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STATUTORY INSTRUMENTS

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**2011 No. 1301**

The Investment Bank Special Administration  
(England and Wales) Rules 2011

PART 9

Court procedure and practice

CHAPTER 3

Obtaining information and evidence

**Further information and disclosure**

**230.**—(1) Any party to the special administration may apply to court for an order—

(a) that any other party—

(i) clarify any matter that is in dispute in the proceedings, or

(ii) give additional information in relation to any such matter,

in accordance with CPR Part 18 (further information); or

(b) to obtain disclosure from any other party in accordance with CPR Part 31 (disclosure and inspection of documents).

(2) An application under this rule may be made without notice being served on any other party.

(3) In a special administration (bank insolvency), before the Objective A committee has passed a full payment resolution, the court shall only grant an order on an application under paragraph (1) (b) if satisfied that the granting of the order is unlikely to prejudice the achievement of Objective A.

**Witness statements – general**

**231.**—(1) Subject to rule 233 where evidence is required by the Regulations or the Rules as to any matter, such evidence may be provided in the form of a witness statement unless—

(a) in any specific case a rule or the Regulations makes different provision; or

(b) the court otherwise directs.

(2) The court may, on the application of any party to the matter in question order the attendance for cross-examination of the person making the witness statement.

(3) Where, after such an order has been made, the person in question does not attend, that person's witness statement must not be used in evidence without the leave of the court.

**Filing and service of witness statements**

**232.** Unless the provision of the Regulations or Rules under which the application is made provides otherwise, or the court otherwise allows—

- (a) if the applicant intends to rely at the first hearing on evidence in a witness statement, the applicant must file that witness statement with the court and serve a copy of it on the respondent not less than 14 days before the date fixed for the hearing; and
- (b) where the respondent to an application intends to oppose it and rely for that purpose on evidence contained in a witness statement, the respondent must file the witness statement with the court and serve a copy on the applicant not less than 5 business days before the date fixed for the hearing.

**Evidence provided by the administrator**

**233.**—(1) Where in the special administration a witness statement is made by the administrator, the witness statement must state—

- (a) the capacity in which that person makes the statement; and
- (b) the person’s business address.

(2) The administrator may file a report with the court instead of a witness statement unless the application involves other parties or the court otherwise orders.

(3) In any case where a report is filed instead of a witness statement, the report must be treated for the purpose of rule 232 and any hearing before the court as if it were a witness statement.

(4) Where this rule applies in a special administration (bank insolvency) or a special administration (bank administration), a reference to the administrator in this rule shall, for the period when a person is appointed under rules 30 or 49 be read as a reference to that person.