

**Changes to legislation:** Insolvency Act 1986, PART 2 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4ZZA U.K.]

#### PROTECTION OF SUPPLIES UNDER SECTION 233B: EXCLUSIONS

##### Textual Amendments

- F1** Sch. 4ZZA inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 12 para. 1](#) (with ss. 2(2), 5(2), 14(4))

##### Modifications etc. (not altering text)

- C1** Sch. 4ZZA applied by S.I. 1994/2421, art. 4(3)(a) (as amended (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 12 para. 5](#) (with ss. 2(2), 5(2), 14(4)))

### PART 2 U.K.]

#### PERSONS INVOLVED IN FINANCIAL SERVICES

##### *Introductory*

- 2 Section 233B does not apply in relation to a contract for the supply of goods or services to a company (“the company”) where any of paragraphs 3 to 11 applies.

##### *Insurers*

- 3 (1) This paragraph applies where either the company or the supplier—
- (a) carries on the regulated activity of effecting or carrying out contracts of insurance, and
  - (b) is not an exempt person in relation to that activity.
- (2) In this paragraph—
- “exempt person”, in relation to a regulated activity, has the meaning given by section 417 of the Financial Services and Markets Act 2000;
  - “regulated activity” has the meaning given by section 22 of that Act, taken with Schedule 2 to that Act and any order under that section.

##### *Banks*

- 4 (1) This paragraph applies where either the company or the supplier—
- (a) has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on the regulated activity of accepting deposits,
  - (b) is a banking group company within the meaning of Part 1 of the Banking Act 2009 (see section 81D of that Act), or

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- (c) has a liability in respect of a deposit which it accepted in accordance with the Banking Act 1979 or the Banking Act 1987.
- (2) In sub-paragraph (1)(a) “regulated activity” has the meaning given by section 22 of the Financial Services and Markets Act 2000 2000, taken with Schedule 2 to that Act and any order under that section.

*Electronic money institutions*

- 5 This paragraph applies where either the company or the supplier is an electronic money institution within the meaning of the Electronic Money Regulations 2011 ([S.I. 2011/99](#)) (see regulation 2 of those Regulations).

*Investment banks and investment firms*

- 6 (1) This paragraph applies where either the company or the supplier is an investment bank or an investment firm.
- (2) In this paragraph—
  - “investment bank” means a company or other entity that has permission under Part 4A of the Financial Services and Markets Act 2000 to carry on the regulated activity of—
    - (a) safeguarding and administering investments,
    - (b) managing an AIF or a UCITS,
    - (c) acting as trustee or depositary of an AIF or a UCITS,
    - (d) dealing in investments as principal, or
    - (e) dealing in investments as agent;
  - “investment firm” has the same meaning as in the Banking Act 2009 (see section 258A of that Act), disregarding any order made under section 258A(2)(b) of that Act;
  - “regulated activity” has the meaning given by section 22 of the Financial Services and Markets Act 2000, taken with Schedule 2 to that Act and any order under that section.

*Payment institutions*

- 7 This paragraph applies where either the company or the supplier is an authorised payment institution, a small payment institution or a registered account information service provider within the meaning of the Payment Services Regulations 2017 ([S.I. 2017/752](#)) (see regulation 2 of those Regulations).

*Operators of payment systems, infrastructure providers etc*

- 8 This paragraph applies where either the company or the supplier is—
  - (a) the operator of a payment system or an infrastructure provider within the meaning of Part 5 of the Financial Services (Banking Reform) Act 2013 (see section 42 of that Act), or
  - (b) an infrastructure company within the meaning of Part 6 of that Act (see section 112 of that Act).

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#### *Recognised investment exchanges etc*

- 9 This paragraph applies where either the company or the supplier is a recognised investment exchange, a recognised clearing house or a recognised CSD within the meaning of the Financial Services and Markets Act 2000 (see section 285 of that Act).

#### *Securitisation companies*

- 10 This paragraph applies where either the company or the supplier is a securitisation company within the meaning of the Taxation of Securitisation Companies Regulations 2006 ([S.I. 2006/3296](#)) (see regulation 4 of those Regulations).

#### *Overseas activities*

- 11 This paragraph applies where either the company or the supplier does or has done anything outside the United Kingdom which, if done in the United Kingdom, would cause any of the preceding paragraphs of this Part of this Schedule to apply.]

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act amendment to earlier affecting provision S.I. 1986/1999, art. 3, Sch. 1 Pt. 2 by [S.I. 2017/1119 Sch. 3 para. 1](#)
- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 41HB(2) words substituted by [2018 c. 14 s. 1\(3\)\(b\)](#)