

STATUTORY RULES OF NORTHERN IRELAND

2009 No. 122

The Bank Insolvency (No. 2) Rules (Northern Ireland) 2009

PART 17

MISCELLANEOUS RULES

SECTION A

RETURN OF CAPITAL

Application to court for order authorising return of capital

177. Apply rule 4.231 of the 1991 Rules.

Commencement Information

I1 Rule 177 in operation at 1.4.2009, see [rule 1\(1\)](#)

Procedure for return of capital

178. Apply rule 4.232 of the 1991 Rules.

Commencement Information

I2 Rule 178 in operation at 1.4.2009, see [rule 1\(1\)](#)

SECTION B

CONCLUSION OF BANK INSOLVENCY

Department's directions under section 116 of the 2009 Act

179.—(1) Where the Department gives a direction under section 116 of the 2009 Act (application by an interested person for postponement of dissolution) it shall send two copies of the direction to the applicant.

(2) Of those copies, one shall be sent by the applicant to the registrar of companies to comply with section 116(4) of the 2009 Act.

Commencement Information

I3 Rule 179 in operation at 1.4.2009, see [rule 1\(1\)](#)

Procedure following appeal under section 116 of the 2009 Act

180. Following an appeal under section 116(2) of the 2009 Act (against a decision of the Department under the applicable section) the court shall send two sealed copies of its order to the person in whose favour the appeal was determined and that party shall send one of the copies to the registrar of companies.

Commencement Information

I4 Rule 180 in operation at 1.4.2009, see [rule 1\(1\)](#)

SECTION C

LEAVE TO ACT AS DIRECTOR, ETC. OF BANK WITH PROHIBITED NAME (ARTICLE 180 OF THE ORDER)

Preliminary

181. Apply rule 4.236 of the 1991 Rules.

Commencement Information

I5 Rule 181 in operation at 1.4.2009, see [rule 1\(1\)](#)

Application for leave under Article 180(3) before passing of full payment resolution

182. Where an application for leave under Article 180(3) is made before a full payment resolution has been passed, it may only be made with the consent of the bank liquidator.

Commencement Information

I6 Rule 182 in operation at 1.4.2009, see [rule 1\(1\)](#)

Consideration of application for leave under Article 180(3)

183. Apply rule 4.237 of the 1991 Rules.

Commencement Information

I7 Rule 183 in operation at 1.4.2009, see [rule 1\(1\)](#)

First excepted case

184.—(1) Apply rule 4.238 of the 1991 Rules.

(2) In paragraph (3)(b)(ii) ignore the reference to administrator.

Commencement Information

I8 Rule 184 in operation at 1.4.2009, see [rule 1\(1\)](#)

Second excepted case

185.—(1) Apply rule 4.239 of the 1991 Rules.

(2) In paragraph (b), the reference to Article 180(3) of the Companies Order should, after that Article is repealed, be to section 451 of the 2006 Act.**(1)**.

Commencement Information

I9 Rule 185 in operation at 1.4.2009, see [rule 1\(1\)](#)

Third excepted case

186.—(1) Apply rule 4.240 of the 1991 Rules.

(2) In paragraph (a), for “liquidating company went into liquidation” substitute “bank went into bank insolvency”.

Commencement Information

I10 Rule 186 in operation at 1.4.2009, see [rule 1\(1\)](#)

Further exception

187. The court’s leave under Article 180(3) of the Companies Order is not required in respect of anything done by a person in connection with the exercise of a stabilisation power under Part 1 of the 2009 Act.

Commencement Information

I11 Rule 187 in operation at 1.4.2009, see [rule 1\(1\)](#)

(1) Article 180 is repealed on 1 October 2009.

Changes to legislation:

There are currently no known outstanding effects for the The Bank Insolvency (No. 2) Rules (Northern Ireland) 2009, PART 17.