
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 122

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

PART 18

COURT PROCEDURE AND PRACTICE

CHAPTER 5

COURT RECORDS AND RETURNS

Title of proceedings

206. Every proceeding under Part 2 of the 2009 Act shall, with any necessary additions, be titled “IN THE MATTER OF (naming the bank to which the proceedings relate) AND IN THE MATTER OF THE BANKING ACT 2009”.

Court records

207. Apply rule 7.24 of the 1991 Rules.

Inspection of records

208. Apply rule 7.25 of the 1991 Rules.

File of court proceedings and inspection

209.—(1) The Court shall open and maintain a file for each bank insolvency and (subject to the direction of the registrar) all documents relating to that bank insolvency shall be placed on that file.

(2) Where a file has been opened under paragraph (1), the following have the right, at all reasonable times, to inspect that file—

- (a) the bank liquidator;
- (b) any person stating in writing that they are a creditor of the bank to which the bank insolvency relates; and
- (c) a member of the bank;
- (d) any person who is, or at any time has been, a director or officer of the bank to which the bank insolvency relates;
- (e) any person who is a contributory of the bank to which the bank insolvency relates; and
- (f) the Bank of England, the FSA and the FSCS.

(3) The right of inspection conferred on any person by paragraph (2) may be exercised on their behalf by a person properly authorised by them.

(4) Any person may, with special leave of the court, inspect the file.

(5) The right of inspection conferred by this rule is not exercisable in respect of documents, or parts of documents, which the court has directed (either generally or specially) are not to be open to inspection without the court's permission.

(6) An application for a direction of the court under paragraph (5) may be made by the bank liquidator or by any party appearing to the court to have an interest in the bank insolvency.

(7) If for the purposes of powers conferred by the Order, the 2009 Act or these Rules the Department requires to inspect the file on a bank insolvency and requests the court to transmit the file to it, the court shall comply with the request or, if the file is for the time being in use for the court's own purposes, as soon as the file is no longer in such use.

(8) Rule 208 applies in respect of the court's records on any bank insolvency as they apply in respect of court records of general insolvency proceedings.

Filing of Gazette notices and advertisements

210.—(1) Apply rule 7.28 of the 1991 Rules.

(2) In paragraph (3) for "An officer of the court" substitute "The bank liquidator".

(3) In paragraph (4) for "The officer's" substitute "the bank liquidator's".