DRAFT STATUTORY INSTRUMENTS

# 2017 No.

# The Risk Transformation Regulations 2017

## PART 4

## Protected Cell Companies

### CHAPTER 15

### Insolvency

**Disapplication of other insolvency proceedings**

**169.**—(1) Except to the extent provided for in this Chapter—

(a) a protected cell company may not propose a voluntary arrangement;

(b) neither a protected cell company nor a part of a protected cell company may be placed into administration;

(c) a receiver (including an administrative receiver) may not be appointed in respect of any property held by the protected cell company;

(d) a protected cell company may not pass a resolution for the winding up of the protected cell company or any part of the protected cell company;

(e) a winding-up order may not be made against the protected cell company or any part of the protected cell company;

(f) the estate of a protected cell company or any part of a protected cell company may not be sequestrated under section 6 of the Bankruptcy (Scotland) Act 2016;

(g) neither the protected cell company nor a part of the protected cell company may be subject to any other process under the insolvency legislation which applies to a person who is insolvent or who is likely to become insolvent(**1**).

(2) The reference in paragraph (1)(d) to winding up includes a reference to a members' voluntary winding up under Chapter 3 of Part 4 of the Insolvency Act 1986 or Chapter 3 of Part 5 of the Insolvency (Northern Ireland) Order 1989.

(**1**) Note that a protected cell company is not an "insurer" for the purposes of Part 24 of FSMA because it does not carry on the activity specified in Article 10 of the Regulated Activities Order. See the Financial Services and Markets Act 2000 (Insolvency) (Definition of "Insurer") Order 2001 (S.I. 2001/2634 amended by S.I. 2002/1242).