

*These notes refer to the Banking Act 2009 (c.1)
which received Royal Assent on 12 February 2009*

BANKING ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Bank Administration Procedure

Process

Section 147: Administrator's proposals

346. *Subsections (1) to (4)* provide that, prior to the achievement of objective 1, a bank administrator must agree with the Bank of England a statement of proposals for achieving the objectives of the bank administration and (under *subsection (5)*) any matters of disagreement on the content of that statement may be referred to the court. As in an ordinary administration, under *subsection (7)*, those proposals may subsequently be revised.
347. *Subsection (8)* provides that, except for the differences specified in this section, the proposals should generally be dealt with in the same way as in an ordinary administration and copies of the document must therefore also be circulated to creditors and members of the company and a copy filed at Companies House. *Subsection (6)* stipulates that the FSA should also be sent a copy of the proposals.
348. Once objective 1 has been achieved, as for a normal administration, the bank administrator will then produce a statement of proposals for the achievement of objective 2 of the bank administration which should be circulated to creditors for their consideration at a meeting of creditors and filed at Companies House in the usual way.