
STATUTORY INSTRUMENTS

2009 No. 356

The Bank Insolvency (England and Wales) Rules 2009

PART 9

THE BANK LIQUIDATOR

CHAPTER 2

RESIGNATION AND REMOVAL

Removal of bank liquidator by the court

- 94.**—(1) Apply rule 4.119 of the 1986 Rules(1).
- (2) After paragraph (1) insert—
- “**(2A)** If the liquidation committee has not yet passed a full payment resolution, the court shall dismiss any application under paragraph (1) where the application is made by someone other than the Bank of England, the FSA or the liquidation committee.”
- (3) In paragraph (2), for “at least 7 days’ notice” substitute—
- “(a) if the application is made before the passing of a full payment resolution, such notice as is reasonable in all the circumstances, and
- (b) if the application is made after the passing of a full payment resolution, at least 7 days’ notice.”.
- (4) In paragraph (4), leave out “, at least 14 days before the hearing,”.
- (5) After paragraph (4) insert—
- “(4A) The notice and copies mentioned in paragraph (4) shall be sent—
- (a) if the application is made before the passing of a full payment resolution, within such time so as to give the bank liquidator notice of the hearing as is reasonable in all the circumstances, and
- (b) if the application is made after the passing of a full payment resolution, at least 14 days before the hearing.”.
- (6) In paragraph (6)—
- (a) in sub-paragraph (a), for “official receiver” substitute “Bank of England and the FSA” and at the end insert “and”, and
- (b) leave out “and” at the end of sub-paragraph (b), and sub-paragraph (c).

(1) Paragraph 5 of rule 4.119 was amended by [S.I. 2008/737](#).