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STATUTORY INSTRUMENTS

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**2009 No. 356**

**The Bank Insolvency (England and Wales) Rules 2009**

**PART 17**

**MISCELLANEOUS RULES**

**CHAPTER 3**

**LEAVE TO ACT AS DIRECTOR, ETC. OF BANK WITH PROHIBITED NAME**

**Preliminary**

**181.** Apply rule 4.226 of the 1986 Rules. In paragraph (c), leave out the words from “whether” to the end<sup>(1)</sup>.

**Application for leave under s 216(3) before passing of full payment resolution**

**182.** Where an application for leave under section 216 of the 1986 Act is made before a full payment resolution has been passed, it may only be made with the consent of the bank liquidator.

**Consideration of application for leave under s 216(3)**

**183.** Apply rule 4.227 of the 1986 Rules.

**First excepted case**

**184.** Apply rule 4.228 of the 1986 Rules<sup>(2)</sup>. In paragraph (1)(b)(ii) ignore the reference to administrator.

**Second excepted case**

**185.** Apply rule 4.229 of the 1986 Rules<sup>(3)</sup>. In paragraph (b), the reference to section 242(5) of the 1985 Act should, after that section is repealed, be to section 451 of the 2006 Act.<sup>(4)</sup>

**Third excepted case**

**186.** Apply rule 4.230 of the 1986 Rules. In paragraph (a), for “liquidating company went into liquidation” substitute “bank went into bank insolvency”.

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(1) The words left out were inserted by [S.I. 1987/1919](#).  
(2) Rule 4.228 was substituted by [S.I. 2007/1974](#).  
(3) Rule 4.229 was substituted by [S.I. 2007/1974](#).  
(4) Section 242 is repealed on 1 October 2009.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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**Further exception**

**187.** The court's leave under section 216(3) of the Act 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.