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STATUTORY INSTRUMENTS

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**2010 No. 2580**

The Building Society Special Administration  
(England and Wales) Rules 2010

PART 4

Court Procedure and Practice

**Introduction**

**52.** This Part makes specific provision for a number of aspects of proceedings for building society special administration under Part 3 of the Banking Act 2009; Part 5 of these Rules applies a number of provisions of the Insolvency Rules 1986 to proceedings for building society special administration under the Banking Act 2009 (with specified modifications).

**Title of proceedings**

**53.** Proceedings for building society special administration under Part 3 of the Banking Act 2009 shall be entitled “IN THE MATTER OF ... (naming the society to which the proceedings relate) AND IN THE MATTER OF PART 3 OF THE BANKING ACT 2009”.

**Right to inspect file**

**54.—(1)** The court must open and maintain a file for each set of building society special administration proceedings.

(2) All documents relating to the special administration are to be placed on the file, subject to any direction of the registrar.

(3) No special administration proceedings shall be filed in the Central Office of the High Court.

(4) The following have the right, at all reasonable times, to inspect the court’s file in respect of special administration proceedings—

- (a) the special administrator or provisional special administrator,
- (b) a person who is or was a director or officer of the society,
- (c) a member of the society,
- (d) any person stating himself in writing to be a creditor of the society,
- (e) any person stating himself in writing to be a contributory in respect of the society,
- (f) the Bank of England,
- (g) the FSA, and
- (h) the FSCS.

**55.** A right of inspection may be exercised on a person’s behalf by anyone authorised by that person in writing.

**56.** Any person may, with permission of the court, inspect the court's file in respect of special administration proceedings.

**57.** A right of inspection is not exercisable in the case of documents, or parts of documents, as to which the court directs that they are not to be made open to inspection without the court's permission; and an application for a direction may be made by—

- (a) the special administrator or provisional special administrator, or
- (b) any person appearing to the court to have an interest.

**58.** Rule 7.28(2) and (3) of the Insolvency Rules 1986 (as applied by Rule 60 below) applies in respect of the court's file of special administration proceedings as it applies in respect of court records.

**59.** Proceedings under sections 213 and 214 of the Insolvency Act 1986 (fraudulent and wrongful trading) shall be conducted in accordance with section 215 of that Act subject to the modifications specified in section 145 of the Banking Act 2009.