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STATUTORY INSTRUMENTS

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**2011 No. 1301**

The Investment Bank Special Administration  
(England and Wales) Rules 2011

PART 9

Court procedure and practice

CHAPTER 2

The Court

**Court file**

**227.**—(1) The court must open and maintain a file in any case where documents are filed with it under the Regulations or the Rules.

(2) Any documents which are filed with the court under the Regulations or the Rules must be placed on the file opened in accordance with paragraph (1).

(3) The following persons may inspect or obtain from the court a copy of, or a copy of any document or documents contained in, the file opened in accordance with paragraph (1)—

- (a) the administrator;
- (b) the Secretary of State;
- (c) the FSA;
- (d) in a special administration (bank insolvency) or special administration (bank administration), the Bank of England or the FSCS;
- (e) any person who is a creditor of the investment bank if that person provides the court with a statement in writing confirming that that person is a creditor; and
- (f) any person who is a client of the investment bank if that person provides the court with a statement in writing confirming that that person is a client.

(4) The same right to inspect or obtain a copy of, or a copy of any document or documents contained in, the file opened in accordance with paragraph (1) is exercisable by—

- (a) an officer or former officer of the investment bank in special administration; or
- (b) a member of the investment bank or a contributory in the special administration.

(5) The right to inspect or obtain a copy of, or a copy of any document or documents contained in, the file opened in accordance with paragraph (1) may be exercised on that person's behalf by a person authorised to do so by that person.

(6) Any person who is not otherwise entitled to inspect or obtain a copy of, or a copy of any document or documents contained in, the file opened in accordance with paragraph (1) may do so if that person has the permission of the court.

(7) The court may direct that the file, a document (or part of it) or a copy of a document (or part of it) must not be made available under paragraph (3), (4) or (5) without the permission of the court.

- (8) An application for a direction under paragraph (7) may be made by—
- (a) the administrator;
  - (b) the FSA;
  - (c) in a special administration (bank insolvency) or special administration (bank administration) the Bank of England; or
  - (d) any person appearing to the court to have an interest.
- (9) Where any person wishes to exercise the right to inspect the file under paragraph (3), (4), (5) or (6), that person—
- (a) if the permission of the court is required, must file with the court an application notice in accordance with these Rules; or
  - (b) if the permission of the court is not required, may inspect the file at any reasonable time.
- (10) Where any person wishes to exercise the right to obtain a copy of a document under paragraph (3), (4), (5) or (6), that person must pay any prescribed fee and—
- (a) if the permission of the court is required, file with the court an application notice in accordance with these Rules; or
  - (b) if the permission of the court is not required, file with the court a written request for the document.
- (11) An application for—
- (a) permission to inspect the file or obtain a copy of a document under paragraph (6); or
  - (b) a direction under paragraph (7),
- may be made without notice to any other party, but the court may direct that notice must be given to any person who would be affected by its decision.
- (12) If for the purposes of powers conferred by the Regulations or the Rules, the Secretary of State makes a request to inspect or requests the transmission of the file of any insolvency proceedings, the court must comply with the request (unless the file is for the time being in use for the court’s own purposes).