
STATUTORY INSTRUMENTS

2021 No. 1178

The Payment and Electronic Money Institution
Insolvency (England and Wales) Rules 2021

PART 10

Court procedure and practice

CHAPTER 6

Applications to the court under section 176A of the IA 1986

Application of Chapter

208. The rules in this Chapter apply to applications in connection with section 176A of the IA 1986.

Applications under section 176A(5) to disapply section 176A

209.—(1) An application under section 176A(5) must be accompanied by a witness statement by the administrator.

(2) The witness statement must state—

- (a) that the institution is in special administration,
- (b) a summary of the financial position of the institution, and
- (c) the information substantiating the administrator's view that the cost of making a distribution to unsecured creditors would be disproportionate to the benefits.

Notice of application under section 176A(5)

210. An application under section 176A(5) may be made without the application being served upon, or notice being given to any other party.

Notice of an order under section 176A(5)

211.—(1) Where the court makes an order under section 176A(5), it must as soon as is reasonably practicable deliver 2 sealed copies of the order to the applicant.

(2) Where the court has made an order under section 176A(5), the administrator must as soon as is reasonably practicable give notice to each creditor of whose address the administrator is aware.

(3) Paragraph (2) does not apply where the court directs otherwise.

(4) The court may direct that the requirement in paragraph (2) is complied with if a notice has been published by the administrator which, in addition to containing the standard contents, states that the court has made an order disapplying the requirement to set aside the prescribed part. As soon as is reasonably practicable the notice—

- (a) must be gazetted, and
 - (b) may be advertised in such other manner as the administrator thinks fit.
- (5) The administrator must send a copy of the order to the registrar of companies as soon as is reasonably practicable after the making of the order.