

Chernadchuk V.D.,
Doctor of Juridical Sciences, Professor,
Head of Department of Civil-Legal Disciplines and Financial Law,
Sumy State University

SUBJECT COMPOSITION OF LEGAL RELATIONS OF BANKS INSOLVENCY

Legal relationships of banks insolvency – are relationships governed by the norms of law between the National Bank of Ukraine, the Physical Subjects' Deposit Guarantee Fund and insolvent bank concerning the implementation and termination of temporary administration, that is the withdrawal of an insolvent bank from the market using legal means within the procedure of temporary administration or its liquidation as a result of recognizing it insolvent.

The subjects of legal relationships of banks insolvency are individualized or specific law subjects of insolvency that act as a corresponding legal personality in legal relationships and a power "implementator". Despite the existence of common features and relationship between the subject of insolvency law and the subject of bank insolvency legal relations, they cannot be deemed as equivalent.

The subjects of legal relationships of temporary administration of banks are the National Bank of

Ukraine, the Physical Subjects' Deposit Guarantee Fund, the State Commission on Regulation of Financial Services, the National Commission on Securities and Stock Market, banks, depositors and other bank creditors, investors and others. In legal relationships of banks insolvency, a depositor as the subject of these relationships can be only a natural person (including natural person-entrepreneur), who entered into a deposit contract, banking account contract or possesses registered deposit certificate. Juridical or legal persons with documentary confirmed claims to the bank concerning its property liability acquire the status of creditors of the insolvent bank. The investor as the subject of these legal relationships can be the person who expressed an intention and provided the Physical Subjects' Deposit Guarantee Fund with written commitment to purchase the shares of the insolvent bank or transition bank in the process of the insolvent banks' withdrawal from the market.