



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 10

#### INSOLVENCY

##### *Companies etc.*

#### **249 Special administration regimes**

- (1) Section 248 shall have no effect in relation to—
- (a) [<sup>F1</sup>a company holding an appointment under Chapter I of Part II of the Water Industry Act 1991 (c. 56) (water and sewerage undertakers),]
  - [<sup>F2</sup>(aa) [<sup>F1</sup>a qualifying [<sup>F3</sup>water supply licensee] within the meaning of subsection (6) of section 23 of the Water Industry Act 1991 (meaning and effect of special administration order) [<sup>F4</sup>or a qualifying sewerage licensee within the meaning of subsection (8) of that section],]
  - (b) a protected railway company within the meaning of section 59 of the Railways Act 1993 (c. 43) (railway administration order) (including that section as it has effect by virtue of section 19 of the Channel Tunnel Rail Link Act 1996 (c. 61) (administration)),
  - (c) a licence company within the meaning of section 26 of the Transport Act 2000 (c. 38) (air traffic services),
  - (d) a public-private partnership company within the meaning of section 210 of the Greater London Authority Act 1999 (c. 29) (public-private partnership agreement), or
  - (e) a building society within the meaning of section 119 of the Building Societies Act 1986 (c. 53) (interpretation).
- (2) A reference in an Act listed in subsection (1) to a provision of Part II of the Insolvency Act 1986 (or to a provision which has effect in relation to a provision of that Part of that Act) shall, in so far as it relates to a company or society listed in subsection (1), continue to have effect as if it referred to Part II as it had effect immediately before the coming into force of section 248.

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 249. (See end of Document for details)*

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- (3) But the effect of subsection (2) in respect of a particular class of company or society may be modified by order of—
- (a) the Treasury, in the case of building societies, or
  - (b) the Secretary of State, in any other case.
- (4) An order under subsection (3) may make consequential amendment of an enactment.
- (5) An order under subsection (3)—
- (a) must be made by statutory instrument, and
  - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (6) An amendment of the Insolvency Act 1986 (c. 45) made by this Act is without prejudice to any power conferred by Part VII of the Companies Act 1989 (c. 40) (financial markets) to modify the law of insolvency.

#### Textual Amendments

- F1** S. 249(1)(a)(aa) ceases to have effect (E.W.) (1.10.2010 for specified purposes) by virtue of [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), **Sch. 5 para. 6(3)** (with s. 49(1)(6)); S.I. 2010/2169, art. 4, Sch.
- F2** S. 249(1)(aa) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 55(3)**; S.I. 2005/2714, art. 3(c)
- F3** Words in s. 249(1)(aa) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 130(a)**; S.I. 2017/462, art. 3(k)(xxiv)
- F4** Words in s. 249(1)(aa) inserted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 130(b)**; S.I. 2017/462, art. 3(k)(xxiv)

#### Modifications etc. (not altering text)

- C1** S. 249 extended (16.10.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 49(11), 60; S.I. 2005/2812, art. 2(1), Sch. 1
- C2** S. 249 applied (with modifications) (E.W.) (28.6.2013) by [The Water Industry \(Specified Infrastructure Projects\) \(English Undertakers\) Regulations 2013 \(S.I. 2013/1582\)](#), reg. 1(1)(b), **Sch. 1 para. 7(1)** (with reg. 1(1)(c))

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2002, Section 249.