
STATUTORY INSTRUMENTS

2009 No. 2477

The Water Industry (Special Administration) Rules 2009

PART 1

Introduction

Citation

1. These Rules may be cited as the Water Industry (Special Administration) Rules 2009.

Commencement

2. These Rules come into force on 1st November 2009.

Definitions and interpretation

- 3.—(1) In these Rules—

“the Authority” means the Water Services Regulation Authority;

“business day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day that is a bank holiday in any part of England and Wales;

“the CPR” means the Civil Procedure Rules 1998 ^{M1} and “CPR” followed by a Part or rule number means the Part or rule with that number in those Rules;

“court” means the High Court;

“file” means file in court;

“Form WAT” followed by a number means the form with that number in the Schedule;

“the Insolvency Act” means, subject to paragraph (2), the Insolvency Act 1986;

“proxy” has the meaning given in rule 61;

“the registrar” means—

(a) in the case of proceedings in a district registry of the Chancery Division of the High Court, the district judge; and

(b) in any other case, [^{F1}an Insolvency and Companies Court Judge];

“solicitor” (except in relation to witnessing an affidavit) includes any person who has, under or pursuant to an enactment, the right to conduct litigation in relation to special administration proceedings;

“special administration order” has the meaning given by section 23 of the Water Industry Act 1991 ^{M2};

“special administration proceedings” means proceedings under sections 23 to 25 of, and Schedule 3 to, the Water Industry Act 1991;

“special administrator” has the meaning given in paragraph 12 of Schedule 3 to the Water Industry Act 1991;

“statement of affairs” has the meaning given in section 22 of the Insolvency Act;

“water company” means a relevant undertaker or a qualifying [^{F2}water supply licensee] within the meaning of the Water Industry Act 1991.

(2) A reference to the Insolvency Act or a provision of that Act is a reference to that Act or provision as applied, substituted or modified by sections 23 to 26 of, and Schedule 3 to, the Water Industry Act 1991, construed in accordance with section 249 of the Enterprise Act 2002 ^{M3}.

(3) A reference to the Insolvency Rules 1986 ^{M4} is a reference to those Rules as in force immediately before 15th September 2003.

(4) A reference to the venue for proceedings, for an attendance before the court, or for a meeting, is to the time, date and place for the proceedings, attendance or meeting.

- F1** Words in [rule 3\(1\)](#) substituted (E.W.) (26.2.2018) by [The Alteration of Judicial Titles \(Registrar in Bankruptcy of the High Court\) Order 2018 \(S.I. 2018/130\)](#), art. 1, [Sch. para. 12\(1\)\(f\)](#)
- F2** Words in [rule 3\(1\)](#) substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), [25](#)

Marginal Citations

- M1** [S.I. 1998/3132](#) as last amended by [S. I. 2008/2178](#).
- M2** [1991 c. 56](#); sections 23 and 24 and Schedule 3 were amended by section 101 of, and Schedule 8 to, the Water Act 2003 (c. 37).
- M3** 2002 c. 40. Section 249(2) of the Act provides that a reference in the Water Industry Act to a provision in Part 2 of the Insolvency Act 1986 (or to a provision that has effect in relation to a provision in that Part of the Act) shall, in so far as it relates to a relevant undertaker or a qualified licensed water supplier, continue to have effect as if it referred to Part 2 as it had effect immediately before the coming into force of section 248 (which replaced Part 2).
- M4** [S.I. 1986/1925](#) as amended at that date.

Application: general

4.—(1) These Rules apply to special administration proceedings that commence, in relation to a water company, on or after the date on which these Rules come into force.

(2) For special administration proceedings that commenced before that date, these Rules apply to steps taken in those proceedings on or after that date.

Application of Insolvency Rules 1986

5.—(1) These Rules apply the Insolvency Rules 1986, with modifications.

(2) Except as provided for in these Rules, nothing in the Insolvency Rules 1986 applies to—

- (a) special administration proceedings commenced, in relation to a water company, on or after the date on which these Rules come into force; or
- (b) any step taken on or after that date in special administration proceedings that commenced before that date.

Forms for use in special administration proceedings

6.—(1) The forms in the Schedule must be used in, and in connection with, special administration proceedings.

(2) A form may be used with any variations that the circumstances require.

Status:

Point in time view as at 26/02/2018.

Changes to legislation:

There are currently no known outstanding effects for the The Water Industry (Special Administration) Rules 2009, PART 1.