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STATUTORY INSTRUMENTS

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**2024 No. 205**

**The Water Industry (Special Administration) Regulations 2024**

**PART 6**

**Companies Act 2006 – specific modifications**

**Application of this Part**

**55.** This Part applies in relation to water industry companies in respect of which the appointment of a special administrator has effect.

**Modifications to Parts 26 and 26A of the Companies Act 2006**

**56.** The provisions of Parts 26 and 26A the Companies Act 2006(1) apply with the modifications set out in this Part.

**Interpretation of Parts 26 and 26A**

**57.** Section 895 has effect as if, after subsection (2), there were inserted—

“(2A) In this Part and in Part 26A—

““purposes of special administration” is to be construed in accordance with section 23(2) to (2B) of the Water Industry Act 1991,”

““relevant authority” means—

(a) in the case of a special administration order that relates to a company appointed under section 6(1) of the Water Industry Act 1991 to be the water or sewerage undertaker for an area that is wholly or mainly in Wales, the Welsh Ministers,

(b) in any other case, the Secretary of State,”

““special administration order” means an order of the kind described in section 23(1) of the Water Industry Act 1991, and”

““special administrator” means a person appointed by the court under—

(a) section 23(1) of the Water Industry Act 1991, or

(b) Schedule B1 to the Insolvency Act 1986 as modified by regulations made under section 23(3A) of the Water Industry Act 1991,

to manage the affairs, business and property of a water industry company.””

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(1) 2006 c. 46. Part 26A was inserted by the Corporate Insolvency and Governance Act 2020 (c. 12), section 49(1) and Schedule 9, paragraph 1.

### **Court order for holding meeting of creditors or members**

**58.** Section 896(2) has effect as if, for subsection (2), there were substituted—

“(2) An application under this section may only be made by the special administrator.”.

### **Court sanction for compromise or arrangement**

**59.** Section 899(3) has effect as if, for subsection (2), there were substituted—

“(2) An application under this section may only be made by the special administrator.

(2A) The special administrator must give notice of an application made under this section to—

- (a) the relevant authority; and
- (b) the Water Services Regulation Authority.”.

### **Powers of court to facilitate reconstruction or amalgamation**

**60.** Section 900 has effect as if—

(a) after subsection (6), there were inserted—

“(6A) Within a period of seven days beginning with the day on which an order is made under this section, the special administrator must send a copy of the order to—

- (a) the relevant authority, and
- (b) the Water Services Regulation Authority.”; and

(b) in subsection (7), after “with subsection (6)” there were inserted “or (6A)”.

### **Court order for holding of meeting**

**61.** Section 901C(4) has effect as if, for subsection (2), there were substituted—

“(2) An application under this section may only be made by the special administrator.”.

### **Court sanction for compromise or arrangement**

**62.** Section 901F(5) has effect as if, for subsection (3), there were substituted—

“(3) An application under this section may only be made by the special administrator.

(3A) The special administrator must give notice of an application made under this section to—

- (a) the relevant authority, and
- (b) the Water Services Regulation Authority.”.

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- (2) Section 896 was amended by: the Corporate Insolvency and Governance Act 2020 (c. 12), section 7 and Schedule 9, paragraphs 30 and 35(1) and (3); and, S.I. 2008/948, articles 3(1)(b) and 6 and Schedule 1, paragraph 249(1) to (3).
  - (3) Section 899 was amended by: the Corporate Insolvency and Governance Act 2020 (c. 12), section 7 and Schedule 9, paragraphs 30 and 35(1) and (4)(a); S.I. 2011/1265, article 28(1) and (3); and, S.I. 2008/948, articles 3(1)(b) and 6 and Schedule 1, paragraph 250(1) to (3).
  - (4) Section 901C was inserted by the Corporate Insolvency and Governance Act 2020 (c. 12), section 7 and Schedule 9, paragraph 1.
  - (5) Section 901F was inserted by the Corporate Insolvency and Governance Act 2020 (c. 12), section 7 and Schedule 9, paragraph 1.

### **Powers of court to facilitate reconstruction or amalgamation**

**63.** Section 901J(6) has effect as if—

(a) after subsection (6), there were inserted—

“(6A) Within a period of seven days beginning with the day on which an order is made under this section, the special administrator must deliver a copy of the order to—

(a) the relevant authority, and

(b) the Water Services Regulation Authority.”; and

(b) in subsection (7), after “with subsection (6)” there were inserted “or (6A)”.

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(6) Section 901J was inserted by the Corporate Insolvency and Governance Act 2020 (c. 12), section 7 and Schedule 9, paragraph 1.