

SCHEDULE 1

APPLICATION OF THE ACT AND RELATED PROVISIONS

Special administration

- 7.—(1) Section 249^{M1} (special administration regimes) of the Enterprise Act 2002 applies as if—
- (a) in subsection (1) (saving in relation to the replacement of Part 2 of the Insolvency Act 1986), after paragraph (aa) (saving for qualifying [^{F1}water supply licensee]), there were inserted—
 - “(ab) a licensed infrastructure provider within the meaning of the Water Industry Act 1991,”; and
 - (b) subsections (3) to (5) were repealed.
- (2) Section 23^{M2} (meaning and effect of special administration order) applies as if—
- (a) in subsection (1) (meaning of special administration order), after “qualifying [^{F1}water supply licensee]”, there were inserted “ or a licensed infrastructure provider ”;
 - (b) after subsection (2A) (purposes of a special administration order for qualifying [^{F2}water supply licensees]), there were inserted—
 - “(2AA) The purposes of a special administration order made in relation to any company which is a licensed infrastructure provider shall be—
 - (a) the transfer to another company or companies, as a going concern, of so much of the company's undertaking as it is necessary to transfer in order to ensure that its functions may be properly carried out; and
 - (b) the carrying out of those functions pending the making of the transfer.”; and
 - (c) in subsection (4) (application of Schedule 2 to the Act)—
 - (i) at the end of paragraph (a), “or” were repealed; and
 - (ii) after paragraph (a), there were inserted—
 - “(aa) a company carries on activities relating to the functions formerly carried on by a licensed infrastructure provider; or”.
- (3) Section 24^{M3} (special administration orders made on special petitions) applies as if—
- (a) in subsection (1) (applications for special administration orders made in relation to relevant undertakers), after “this Part”, there were inserted “ or is a licensed infrastructure provider ”;
 - (b) in subsection (2) (grounds for making applications for special administration orders)—
 - (i) in paragraph (bb) (qualifying [^{F1}water supply licensee] causing contravention of a principal duty of a water undertaker)—
 - (aa) in the words preceding sub-paragraph (i), after “qualifying [^{F1}water supply licensee]”, there were inserted “ or a licensed infrastructure provider ”; and
 - (bb) in sub-paragraph (i), for “water undertaker”, there were substituted “ relevant undertaker ”; and
 - (ii) in paragraph (d) (petition by the Secretary of State following company inspector's report), after “qualifying [^{F1}water supply licensee]”, there were inserted “ or a licensed infrastructure provider ”; and
 - (c) in subsection (7) (meaning of principal duty), in paragraph (b), after “qualifying [^{F1}water supply licensee]”, there were inserted “ or a licensed infrastructure provider ”.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(4) Schedule 3^{M4} (special administration orders) applies without modification.

(5) Section 25^{M5} (power to make special administration order on winding-up petition) applies as if, after “qualifying [^{F1}water supply licensee]”, in each place it occurs, there were inserted “ or a licensed infrastructure provider ”.

(6) Section 26^{M6} (restrictions on voluntary winding-up and insolvency proceedings) applies as if, after “qualifying [^{F1}water supply licensee]” there were inserted “ or a licensed infrastructure provider ”.

(7) The provisions of the Water Industry (Special Administration) Rules 2009 apply as if—

(a) in rule 3 (definitions and interpretation), in paragraph (1)—

(i) following definition were inserted at the appropriate place—

““infrastructure” in relation to a licensed infrastructure provider (within the meaning of the Water Industry Act 1991) has the meaning given in the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013;” and

(ii) in the definition of “water company” after “qualifying [^{F1}water supply licensee]”, there were inserted “ or a licensed infrastructure provider ”;

(b) in rule 8 (contents of affidavit), in paragraph (1)(a), after “qualifying [^{F1}water supply licensee]”, there were inserted “ or a licensed infrastructure provider ”;

(c) in rule 11 (service of petition), in paragraph (2) (persons who must be served)—

(i) in sub-paragraph (j) after “the Welsh Ministers” there were inserted “ (where any part of the infrastructure in question is or is to be in Wales), ”;

(ii) sub-paragraph (k) were omitted; and

(iii) in sub-paragraph (l), after “the Welsh Ministers” there were inserted “ (where any part of the infrastructure in question is or is to be in Wales) ”;

(d) in rule 17 (notice and advertisement of special administration order), in paragraph (4), “, the Welsh Ministers” were omitted;

(e) in rule 18 (notice of discharge of special administration order), after “the Welsh Ministers” there were inserted “ (where any part of the infrastructure in question is or is to be in Wales) ”;

(f) in rule 23 (resignation of special administrator), in paragraph (3)(a), “or the Welsh Ministers, as appropriate” were omitted;

(g) in rule 24 (special administrator's death in office), in paragraph (2)(a), “or the Welsh Ministers, as appropriate” were omitted;

(h) in rule 25 (order filling vacancy), in sub-paragraph (c), “or the Welsh Ministers, as appropriate” were omitted;

(i) in rule 35 (statement if special administration order to be discharged before statement of proposals), “, the Welsh Ministers” were omitted;

(j) in rule 65 (right of inspection of proxies), in paragraph (1)(e), after “the Welsh Ministers” there were inserted “ (where any part of the infrastructure in question is or is to be in Wales) ”; and

(k) in rule 82 (certain persons' right to inspect the court file), in paragraph (1)(d) after “the Welsh Ministers” there were inserted “ (where any part of the infrastructure in question is or is to be in Wales) ”.

F1 Words in [Sch. 1 para. 7](#) substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(10)(a)**

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F2 Words in [Sch. 1 para. 7\(2\)\(b\)](#) substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(10)(b)**

Marginal Citations

- M1** Section 249 was amended by section 101(1) of, and Schedule 8 to, the Water Act 2003.
- M2** Section 23 was amended by was amended by section 101(1) of, and Schedule 8 to, the Water Act 2003. Section 23 was also amended by section 34 of, and Schedule 5 to, the Flood and Water Management Act 2010, although the provisions are only in force for limited purposes.
- M3** Section 24 was amended by was amended by section 101(1) of, and Schedule 8 to, the Water Act 2003. Section 24 was also amended by section 34 of, and Schedule 5 to, the Flood and Water Management Act 2010, although the provisions are not yet in force.
- M4** Schedule 3 was amended by was amended by section 101(1) of, and Schedule 8 to, the Water Act 2003 and by S.I. 2009/1941. Schedule 3 was repealed by section 34 of, and Schedule 5 to, the Flood and Water Management Act 2010, although the provisions are not yet in force.
- M5** Section 25 was amended by was amended by section 101(1) of, and Schedule 8 to, the Water Act 2003.
- M6** Section 26 was amended by was amended by section 101(1) of, and Schedule 8 to, the Water Act 2003.

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 1 para. 7(1) omitted by [S.I. 2024/205 reg. 65\(2\)](#)
- Sch. 1 para. 7(4) omitted by [S.I. 2024/205 reg. 65\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. Pt. 1 words substituted by [S.I. 2019/560 reg. 15\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))
- Sch. Pt. 1 words substituted by [S.I. 2019/560 reg. 15\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))
- Sch. Pt. 1 words substituted by [S.I. 2019/560 reg. 15\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Affecting Regulations revoked (20.11.2020) by S.I. 2020/1319, regs. 1(3), 2(a))