
STATUTORY INSTRUMENTS

2024 No. 205

The Water Industry (Special Administration) Regulations 2024

PART 4

The Insolvency Act 1986 – specific modifications

CHAPTER 2

Insolvency Act 1986 (except Schedule B1) – specific modifications

Floating charge holder not to appoint administrative receiver

46. Section 72A(3)(1) has effect as if—

(a) before the definition of “holder of a qualifying floating charge in respect of a company’s property”, there were inserted—

““qualifying floating charge” means a charge created by an instrument that—

- (a) states that paragraph 14 of Schedule B1 to the Insolvency Act 1986 applies to the floating charge,
- (b) purports to empower the holder of the floating charge to appoint an administrator of the company,
- (c) purports to empower the holder of the floating charge to make an appointment which would be the appointment of an administrative receiver within the meaning given by section 29(2), or
- (d) purports to empower the holder of the floating charge in Scotland to appoint a receiver who on appointment would be an administrative receiver.”; and

(b) for the definition of “holder of a qualifying floating charge in respect of a company’s property” there were substituted—

““holder of a qualifying floating charge in respect of a company’s property” means a person who holds one or more debentures of the company secured—

- (a) by a qualifying floating charge which relates to the whole or substantially the whole of the company’s property,
- (b) by a number of qualifying floating charges which together relate to the whole or substantially the whole of the company’s property, or
- (c) by charges and other forms of security which together relate to the whole or substantially the whole of the company’s property and at least one of which is a qualifying floating charge.”.