
STATUTORY INSTRUMENTS

2024 No. 229

**The Water Industry (Special Administration)
(England and Wales) Rules 2024**

PART 2

**SCOPE, INTERPRETATION, TIME AND RULES ABOUT
DOCUMENTS APPLICATION OF PART 1 OF THE 2016 RULES**

Defined terms (rule 1.2)

6. Rule 1.2 has effect as if—

(a) in paragraph (2)—

(i) the following definitions were omitted—

- (aa) “Article 1.2 undertaking”;
- (bb) “bankruptcy application”;
- (cc) “bankruptcy file”;
- (dd) “bankruptcy restrictions register”;
- (ee) “centre of main interests”;
- (ff) “COMI proceedings”;
- (gg) “debt relief restrictions register”;
- (hh) “establishment”;
- (ii) “establishment proceedings”;
- (jj) “individual insolvency register”;
- (kk) “individual register”;
- (ll) “IVA”;
- (mm) “nominated person”;
- (nn) “office-holder”;
- (oo) “trustee”;

(ii) for the following definitions there were substituted as follows—

- (aa) for the definitions of “debt” and “small debt” there were substituted ““debt” and “small debt” are defined in rule 14.1(3) for the purposes of special administration;”;
- (bb) for the definition of “the Gazette” there were substituted ““the Gazette” means the London Gazette;”;
- (cc) for the definition of “insolvent estate” there were substituted ““insolvent estate” means, in relation to a special administration, the company’s assets;”;

- (dd) for the definition of “prescribed order of priority” there were substituted ““prescribed order of priority” means the order of priority of payment of expenses set out in Chapter 10 of Part 3 for special administration proceedings;”;
- (ee) for the definition of “prove” and “proof” there were substituted—
- ““prove” and “proof” have the following meaning—
- (a) a creditor who claims for a debt in writing is referred to as proving that debt;
- (b) the document by which the creditor makes the claim is referred to as that creditor’s proof; and
- (c) for the purpose of voting, or objecting to a deemed consent in a special administration, the requirements for a proof are satisfied by the convener or chair having been notified by the creditor in writing of a debt;”;
- (iii) at the appropriate places, the following definitions were inserted—
- ““the 1991 Act” means the Water Industry Act 1991;”;
- ““purposes of special administration” is to be construed in accordance with section 23(2) to (2B) of the 1991 Act;”;
- ““qualifying water supply licensee” is to be construed in accordance with section 23(6) of the 1991 Act(1);”;
- ““relevant authority” means—
- (a) in the case of a special administration order that relates to a company appointed under section 6(1) of the 1991 Act to be the relevant undertaker for an area that is wholly or mainly in Wales, the Welsh Ministers(2), and
- (b) in any other case, the Secretary of State;”;
- ““relevant undertaker” means a company holding an appointment under Chapter I of Part 2 of the 1991 Act;”;
- ““Schedule B1” means Schedule B1(3) to the Act;”;
- ““special administration order” means an order of the kind described in section 23(1) of the 1991 Act;”;
- ““special administrator” means a person appointed by the court to manage the affairs, business and property of a water industry company under—
- (a) section 23(1) of the 1991 Act; or
- (b) paragraph 91 or 103 of Schedule B1;”;
- ““water industry company” means a company of a kind mentioned in section 23(1) of the 1991 Act;”;

(1) Section 23 was amended by section 101(1) of, and paragraphs 2 and 8 of Schedule 8 to, the Water Act 2003 (c. 37), sections 34 of, and paragraphs 3, 5, and 6 of Schedule 5 to, the Flood and Water Management Act 2010 (c. 29), sections 5 and 56 of, paragraphs 1 and 23 of Schedule 5 to, and paragraphs 2, 5 and 35 of Schedule 7 to, the Water Act 2014 (c. 21), section 7 of, and paragraph 11 of Schedule 9 to, the Corporate Insolvency and Governance Act 2020 (c. 12).

(2) The original Instruments of Appointment of water undertakers and sewerage undertakers, including maps of the areas of appointment and any amendments to them, are available to view online at: <https://www.ofwat.gov.uk/regulated-companies/ofwat-industry-overview/licences/#ioa>. They may also be inspected in person at: Ofwat, 7 Hill Street, Birmingham, B5 4UA, between the hours of 9.30am and 1pm, and 2pm and 4.30pm, Monday to Friday (except public and other holidays), at a cost (at the date on which these Rules are made) of £20 per inspection except where an appointment to inspect is made at least 24 hours in advance (by calling 0121 644 7600) in which case the inspection is free of charge.

(3) Schedule B1 to the Insolvency Act 1986 was inserted by the Enterprise Act 2002 (c. 40), section 248(2) and Schedule 16.

- (b) in paragraph (3) in the opening words and in sub-paragraph (a), there were omitted “, debtor or bankrupt”.

Information required to identify persons and proceedings etc. (rule 1.6)

- 7. Rule 1.6 has effect as if, in paragraph (2), in the table—
 - (a) the first entry (bankrupt) were omitted;
 - (b) in the second entry (company where it is the subject of the proceedings), in the second column, paragraphs (e), (f) and (g) were omitted;
 - (c) the fourth entry (debtor) were omitted;
 - (d) in the final entry (proceedings), paragraph (t) were omitted.

Variations from prescribed contents (rule 1.9)

- 8. Rule 1.9 has effect as if paragraph (2) were omitted.

Standard content of all notices (rule 1.11)

- 9. Rule 1.11 has effect as if, in paragraph (1)(b), there were omitted “(except for the official receiver)”.

Gazette notices relating to a company (rule 1.12)

- 10. Rule 1.12 has effect as if paragraph (2) were omitted.

The Gazette: evidence, variations and errors (rule 1.14)

- 11. Rule 1.14 has effect as if, in paragraphs (2) and (3), “or of the adjudicator” were omitted.

Registrar of companies: covering notices (rule 1.20)

- 12. Rule 1.20 has effect as if—
 - (a) paragraph (1)(b) were omitted;
 - (b) in paragraph (1A), sub-paragraphs (a), (c), (e), (f), (g), (l), (m), (n)(iii) and (iv) and (o) were omitted;
 - (c) in paragraph (2), “or the directors (as the case may be)” were omitted.

Standard contents of all documents (rule 1.21)

- 13. Rule 1.21 has effect as if, in paragraph (1)(b)(ii), for “the Act” to “rule” there were substituted “the 1991 Act, the section of the Act, the paragraph of Schedule B1, the rule, the regulation of the Water Industry (Special Administration) Regulations 2024, or the rule of the Water Industry (Special Administration) (England and Wales) Rules 2024 (as applicable)”.

Standard contents of documents relating to the office of office-holders (rule 1.22)

- 14. Rule 1.22 has effect as if for paragraph (1)(b) there were substituted—
 - “(b) where the document relates to an appointment, the person, body or court making the appointment;”.

Standard contents of documents relating to other events (rule 1.27)

15. Rule 1.27 has effect as if, in sub-paragraph (a), for “the Act” to “rule” there were substituted “the 1991 Act, the section of the Act, the paragraph of Schedule B1, the rule, the regulation of the Water Industry (Special Administration) Regulations 2024, or the rule of the Water Industry (Special Administration) (England and Wales) Rules 2024 (as applicable)”.

Standard contents of notices to be delivered to persons other than the registrar of companies (rule 1.28)

16. Rule 1.28 has effect as if, in paragraph (1), for “Part A1 to 11 of the Act or the EU Regulation” there were substituted “Parts 1 and 6 and Schedule B1”.

Standard contents of all notices (rule 1.29)

17. Rule 1.29 has effect as if—

- (a) paragraph (c) were omitted;
- (b) in paragraph (d), for “the Act” to “rule” there were substituted “the 1991 Act, the section of the Act, the paragraph of Schedule B1, the rule, the regulation of the Water Industry (Special Administration) Regulations 2024, or the rule of the Water Industry (Special Administration) (England and Wales) Rules 2024 (as applicable)”.

Standard contents of notices relating to the office of office-holders (rule 1.30)

18. Rule 1.30 has effect as if for paragraph (b) there were substituted—

- “(b) where the document relates to an appointment, the person, body or court making the appointment;”.

Standard contents and authentication of applications to the court under Parts A1 to 11 of the Act (rule 1.35)

19. Rule 1.35 has effect as if for that rule there were substituted—

“Standard contents and authentication of applications to the court within special administration

1.35.—(1) This rule applies to applications to the court except an application for a special administration order.

(2) The application must be in writing and state—

- (a) that the application is made under the Act, as applied and modified by the Water Industry (Special Administration) Regulations 2024, or these Rules as applied and modified by the Water Industry (Special Administration) (England and Wales) Rules 2024 (as applicable);
- (b) the provision of any enactment referred to in sub-paragraph (a) under which the application is made;
- (c) the names of the parties;
- (d) the name of the company in special administration to which the application relates;
- (e) the court (and where applicable, the division or district registry of that court) in which the application is made;

- (f) where the court has previously allocated a number to the special administration proceedings within which the application is made, that number;
 - (g) the nature of the remedy or order applied for or the directions sought from the court;
 - (h) the names and addresses of the persons (if any) on whom it is intended to serve the application or that no person is intended to be served;
 - (i) where the Act or these Rules require that notice of the application is to be delivered to specified persons, the names and addresses of all those persons (so far as known to the applicant); and
 - (j) the applicant's address for service.
- (3) The application must be authenticated by or on behalf of the applicant or the applicant's solicitor."

Application of Chapter (rule 1.36)

20. Rule 1.36 has effect as if, in paragraph (1), for "under Parts 1 to 11 of the Act or the EU Regulation" there were substituted "within a special administration".

Delivery to the creditors and opting out (rule 1.37)

21. Rule 1.37 has effect as if—

- (a) in paragraph (2)(c), for "sections 246C(2) or 379C(2)" there were substituted "section 246C(2)";
- (b) in paragraph (4), there were omitted "or individual".

Creditor's election to opt out (rule 1.38)

22. Rule 1.38 has effect as if—

- (a) paragraph (A1) were omitted;
- (b) in paragraph (5)(b), "or individual" were omitted.

Office-holder to provide information to creditors on opting out (rule 1.39)

23. Rule 1.39 has effect as if—

- (a) paragraph (A1) were omitted;
- (b) in paragraph (2)(e), "or individual" were omitted.

Electronic delivery of documents (rule 1.45)

24. Rule 1.45 has effect as if, in paragraph (4), for "person who is the subject of the insolvency proceedings" there were substituted "company in special administration".

Use of website by office-holder to deliver a particular document (sections 246B and 379B) (rule 1.49)

25. Rule 1.49 has effect as if, in paragraph (1), for "sections 246B and 379B" there were substituted "section 246B".

Retention period for documents made available on websites (rule 1.51)

26. Rule 1.51 has effect as if, in paragraph (1), for “1.49” to the end there were substituted “1.49 or 1.50”.

Proof of delivery of documents (rule 1.52)

27. Rule 1.52 has effect as if—

- (a) paragraph (3) were omitted;
- (b) in paragraph (4), from “other” to “adjudicator” were omitted.

Delivery of proofs and details of claims (rule 1.53)

28. Rule 1.53 has effect as if paragraph (2) were omitted.

Right to copies of documents (rule 1.54)

29. Rule 1.54 has effect as if “, in relation to proceedings under Parts A1 to 11 of the Act,” were omitted.

Charges for copies of documents provided by the office-holder (rule 1.55)

30. Rule 1.55 has effect as if for “, contributory” to the end, there were substituted “or contributory”.

Offence in relation to inspection of documents (rule 1.56)

31. Rule 1.56 has effect as if, in paragraph (2), “, the bankruptcy file” were omitted.

Right to list of creditors (rule 1.57)

32. Rule 1.57 has effect as if—

- (a) paragraph (1) were omitted;
- (b) paragraph (2)(b) were omitted.

Confidentiality of documents: grounds for refusing inspection (rule 1.58)

33. Rule 1.58 has effect as if paragraph (2) were omitted.