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STATUTORY INSTRUMENTS

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**2024 No. 229**

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

**PART 4**

**COURT PROCEDURE AND PRACTICE:  
APPLICATION OF PART 12 OF THE 2016 RULES**

**Court rules and practice to apply (rule 12.1)**

**61.** Rule 12.1 has effect as if for paragraph (1) there were substituted—

“(1) The provisions of the CPR (including any Practice Directions) apply for the purposes of proceedings within special administration and the application for a special administration order with any necessary modifications, except so far as disapplied by or inconsistent with these Rules.”.

**Preliminary (rule 12.6)**

**62.** Rule 12.6 has effect as if for that rule there were substituted—

**“Preliminary (rule 12.6)**

**12.6.** This Chapter applies to applications to the court except an application for a special administration order.”.

**Service or delivery of application (rule 12.9)**

**63.** Rule 12.9 has effect as if paragraph (1)(b) were omitted.

**Special administrator’s solicitor (rule 12.13A)**

**64.** Chapter 3 of Part 12 has effect as if, after rule 12.13, there were inserted—

**“Special administrator’s solicitor**

**12.13A.** If the attendance of the special administrator’s solicitor is required in special administration proceedings, the special administrator need not attend in person unless the court so directs.”.

**Applications under section 176A(5) to disapply section 176A (rule 12.14)**

**65.** Rule 12.14 has effect as if—

- (a) in paragraph (1), “liquidator,” and “or receiver” were omitted;
- (b) in paragraph (2), for sub-paragraph (a) there were substituted—

“that the company is in special administration.”.

**Notice of an order under section 176A(5) (rule 12.16)**

66. Rule 12.16 has effect as if—

- (a) in paragraphs (2), (3) and (5), “liquidator,” and “or receiver” were omitted;
- (b) in paragraph (4)(b), “liquidator,” and “, or receiver” were omitted.

**Application of this sub-division and interpretation (rule 12.17)**

67. Rule 12.17 has effect as if for that rule there were substituted—

**“Application of this sub-division and interpretation**

**12.17.—**(1) The rules in this sub-division apply to applications to the court for an order under section 236 (inquiry into company’s dealings).

(2) In this sub-division—

- “applicable section” means section 236; and
- “the insolvent” means the company.”.

**Contents of application (rule 12.18)**

68. Rule 12.18 has effect as if, in paragraph (1), “, 251N or 366” were omitted.

**Procedure for examination (rule 12.20)**

69. Rule 12.20 has effect as if, in paragraph (2)(b), “or 366” were omitted.

**Costs of proceedings under sections 236, 251N and 366 (rule 12.22)**

70. Rule 12.22 has effect as if—

- (i) in paragraph (2)(a), “or 367(1)” were omitted;
- (ii) in paragraph (2)(b), “or 367(2)” were omitted;
- (iii) in paragraph (3), for sub-paragraphs (a) and (b) there were substituted—  
“as an expense of the special administration.”;
- (iv) paragraph (5) were omitted.

**Evidence provided by the official receiver, an insolvency practitioner or a special manager (rule 12.29)**

71. Rule 12.29 has effect as if—

- (a) paragraph (2) were omitted;
- (b) in paragraph (3), sub-paragraphs (b) to (g) were omitted.

**General power of transfer (rule 12.30)**

72. Rule 12.30 has effect as if—

- (a) in paragraph (4)—
  - (i) sub-paragraph (b) were omitted;

(ii) for sub-paragraph (c) there were substituted—

“(c) on the application of the relevant authority or, with the consent of the relevant authority, the Water Services Regulation Authority.”;

(b) paragraphs (5), (6) and (7) were omitted.

#### **Proceedings commenced in the wrong court (rule 12.31)**

73. Rule 12.31 has effect as if, for that rule, there were substituted—

##### **“Proceedings commenced in the wrong court**

**12.31.** Where a special administration is commenced in a court other than the High Court, that court may order the transfer of the proceedings to the High Court.”.

#### **Procedure following order for transfer (rule 12.33)**

74. Rule 12.33 has effect as if for that rule there were substituted—

##### **“Procedure following order for transfer**

**12.33.—**(1) Where a court makes an order for the transfer of proceedings, it must as soon as reasonably practicable deliver to the transferee court a sealed copy of the order, and the file of the proceedings.

(2) A transferee court which receives such an order and the file in special administration proceedings must, as soon as reasonably practicable, deliver notice of the transfer to the transferor court.”.

#### **The court file (rule 12.39)**

75. Rule 12.39 has effect as if—

(a) paragraph (2) were omitted;

(b) for paragraph (3) there were substituted—

“(3) The following may inspect the court file, or obtain from the court a copy of the court file, or of any document in the court file—

(a) the special administrator;

(b) the relevant authority;

(c) a creditor who provides the court with a statement confirming that that person is a creditor of the company or the individual to whom the proceedings relate;

(d) the Water Services Regulation Authority;

(e) the Chief Inspector of Drinking Water;

(f) the Environment Agency or Natural Resources Wales (as appropriate); and

(g) the Consumer Council for Water.”;

(c) for paragraph (4), there were substituted—

“(4) The same right to inspect and obtain copies is exercisable by an officer or former officer or member of the company in special administration.”;

(d) in paragraph (10), sub-paragraph (a) were omitted;

(e) in paragraph (12), for “Secretary of State or the official receiver”, there were substituted “relevant authority, the Water Services Regulation Authority or the special administrator”.

**Requirement to assess costs by the detailed procedure (rule 12.42)**

76. Rule 12.42 has effect as if paragraphs (2)(b) and (6) were omitted.

**Procedure where detailed assessment is required (rule 12.43)**

77. Rule 12.43 has effect as if paragraph (6) were omitted.

**Awards of costs against an office-holder, the adjudicator or the official receiver (rule 12.47)**

78. Rule 12.47 has effect as if for that rule there were substituted—

**“Awards of costs against a special administrator**

**12.47.** Where a special administrator is made a party to any proceedings on the application of another party to the proceedings, the special administrator is not to be personally liable for the costs unless the court otherwise directs.”.

**Applications for costs (rule 12.48)**

79. Rule 12.48 has effect as if—

(a) for paragraph (2) there were substituted—

“(2) The applicant must serve a sealed copy of the application on the special administrator.”;

(b) for paragraph (3) there were substituted “The special administrator may appear on the application.”;

(c) paragraph (4) were omitted.

**Costs and expenses of petitioners and other specified persons (rule 12.49)**

80. Rule 12.49 has effect as if for that rule there were substituted—

**“Costs and expenses of petitioners and other specified persons**

**12.49.—**(1) Except as directed by the court, no allowance as a witness in any examination or other proceedings before the court may be made to a relevant officer of the company to which the proceedings relate.

(2) A person making any application to court within the special administration is not to be regarded as a witness on the hearing of the application, but a costs officer may allow that person’s expenses of travelling and subsistence.”.

**Orders enforcing compliance (rule 12.52)**

81. Rule 12.52 has effect as if—

(a) in paragraph (1)—

(i) for “competent person” there were substituted “special administrator”;

(ii) sub-paragraphs (za), (b), (c) and (d) were omitted;

(b) paragraph (2) were omitted.

**Warrants (general provisions) (rule 12.53)**

**82.** Rule 12.53 has effect as if, in paragraph (2), for “sections 134(2), 236(5), 251N(5), 364(1), 365(3) and 366(3)” there were substituted “section 236(5)”.

**Warrants under sections 236, 251N and 366 (rule 12.55)**

**83.** Rule 12.55 has effect as if “251N (the equivalent in relation to debt relief orders) or 366 (the equivalent in bankruptcy),” were omitted.

**Appeals and reviews of court orders in corporate insolvency (rule 12.59)**

**84.** Rule 12.59 has effect as if—

- (a) in paragraph (1), for “Parts A1 to 7” to “Rules,” there were substituted “the special administration”;
- (b) in paragraph (2), for “Appeals” to “as follows” there were substituted “An appeal made in the exercise of the court’s jurisdiction in relation to special administration lies as follows”;
- (c) paragraph (3) were omitted.

**Shorthand writers: nomination etc. (rule 12.65)**

**85.** Rule 12.65 has effect as if—

- (i) in paragraph (2), “133,” and “, 251N, 290 or 366” were omitted;
- (ii) in paragraph (3), for “official receiver”, in each place, there were substituted “special administrator”.