
STATUTORY INSTRUMENTS

2024 No. 229

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

PART 8

**REPORTING BY, AND REMUNERATION OF, OFFICE-
HOLDERS: APPLICATION OF PART 18 OF THE 2016 RULES**

Reporting by the office-holder (rule 18.2)

141. Rule 18.2 has effect as if for that rule there were substituted—

“Reporting by the office-holder

18.2. The special administrator must prepare and deliver reports in accordance with this Chapter.”.

Contents of progress reports in administration, winding up and bankruptcy (rule 18.3)

142. Rule 18.3 has effect as if—

- (a) in paragraph (1)—
 - (i) in the opening words, “in an administration, winding up and bankruptcy” were omitted;
 - (ii) sub-paragraphs (b) and (f) were omitted;
 - (iii) in sub-paragraph (g), for “rules 18.10 to 18.13 as applicable” there were substituted “rule 18.10”;
- (b) paragraphs (5) and (6) were omitted.

Progress reports in administration: timing (rule 18.6)

143. Rule 18.6 has effect as if, in paragraph (4), “unless the report is a final progress report under rule 3.55” were omitted.

Administration, creditors’ voluntary liquidation and compulsory winding up: reporting distribution of property to creditors under rule 14.13 (rule 18.10)

144. Rule 18.10 has effect as if—

- (a) in paragraph (1), “in an administration, creditors’ voluntary liquidation or compulsory winding up” were omitted;
- (b) for paragraph (3) there were substituted—
 - “(3) Paragraph (2) applies to the following—

- (a) rule 3.63 (administrator’s intention to resign); and
- (b) rule 18.3 (contents of progress report).”.

Remuneration principles (rule 18.16)

145. Rule 18.16 has effect as if for that rule there were substituted—

“Remuneration: principles

18.16.—(1) A special administrator is entitled to receive remuneration for services as special administrator.

(2) The basis of such remuneration is to be fixed by reference to the time properly spent by the special administrator and the special administrator’s staff in attending to matters arising in the special administration.”.

Remuneration of joint office-holders (rule 18.17)

146. Rule 18.17 has effect as if paragraph (a) were omitted.

Remuneration: application to the court to fix the basis (rule 18.23)

147. Rule 18.23 has effect as if for that rule there were substituted—

“Remuneration: application to the court to fix the basis

18.23.—(1) The special administrator’s remuneration must, on the special administrator’s application, be fixed by the court.

(2) The special administrator must give at least 14 days’ notice of the application made under paragraph (1) to the following, who may appear or be represented—

- (a) the relevant authority;
- (b) the Water Services Regulation Authority; and
- (c) the creditors of the company.

(3) In fixing the remuneration, the court must have regard to the following matters—

- (a) the complexity (or otherwise) of the case;
- (b) any respects in which, in connection with a company’s affairs, there falls on the special administrator any responsibility of an exceptional kind or degree;
- (c) the effectiveness with which the special administrator appears to be carrying out, or to have carried out, the special administrator’s duties; and
- (d) the value and nature of the property with which the special administrator has had to deal.”.

Remuneration: new administrator, liquidator or trustee (rule 18.31)

148. Rule 18.31 has effect as if for that rule there were substituted—

“Remuneration: new administrator, liquidator or trustee

18.31.—(1) If a new special administrator is appointed in place of a special administrator, any court order in effect under rule 18.23 (remuneration: application to the court to fix the basis) immediately before the former special administrator ceased to hold office continues

to apply in respect of the remuneration of the new special administrator until a further court order is made in accordance with those provisions.

(2) Where a special administrator has ceased to act as such for any reason, the special administrator (or the special administrator's estate, as the case may be) is to be entitled to any amounts outstanding on the basis of the services which that special administrator provided in accordance with Rule 18.23.”