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**Changes to legislation:** There are currently no known outstanding effects for the Flood and Water Management Act 2010, Paragraph 3. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 5

#### SPECIAL ADMINISTRATION

##### *Objectives*

- 3 After section 23(2A) of the Water Industry Act 1991 (special administration order: effect) insert—
- “(2B) Where a company is in special administration as a result of an order made on the grounds that the company is or is likely to be unable to pay its debts—
- (a) a purpose of the special administration order is to rescue the company as a going concern, and
  - (b) the transfer purpose under subsection (2)(a) or (2A)(a) applies only if the special administrator thinks that—
    - (i) it is not likely to be possible to rescue the company as a going concern, or
    - (ii) transfer is likely to secure more effective performance of the functions or activities mentioned in subsection (2)(a) or (2A)(a).
- (2C) Where subsection (2B) applies, subsections (2)(b) and (2A)(b) have effect as if they referred to carrying out functions, or carrying on activities, pending rescue or transfer.
- (2D) For the purpose of rescuing the company as a going concern a special administrator may propose—
- (a) a company voluntary arrangement under Part 1 of the Insolvency Act 1986, or
  - (b) a compromise or arrangement in accordance with Part 26 of the Companies Act 2006.
- (2E) The Secretary of State may by regulations made by statutory instrument—
- (a) modify a provision of the Insolvency Act 1986 or the Companies Act 2006 in respect of the arrangements and compromises mentioned in subsection (2D) in so far as they apply to a company which is or has been in special administration;
  - (b) make other supplemental provision about those arrangements and compromises (which may, in particular, apply or modify the effect of an enactment about insolvency or companies).
- (2F) Provision under subsection (2E)(a) or (b) may, in particular, confer a function on—
- (a) the Secretary of State,
  - (b) the Welsh Ministers, or
  - (c) the Authority.

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- (2G) Regulations under subsection (2E) may not be made unless—
- (a) the Welsh Ministers have consented to the making of the regulations, and
  - (b) a draft has been laid before and approved by resolution of each House of Parliament (and section 213(1) shall not apply).”

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**Commencement Information**

- I1** Sch. 5 para. 3 in force at 1.10.2010 for specified purposes by S.I. 2010/2169, art. 4, Sch.
- I2** Sch. 5 para. 3 in force at 12.1.2024 in so far as not already in force by S.I. 2024/35, art. 2(b)

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