
STATUTORY INSTRUMENTS

2015 No. 989

The Insolvency (Protection of Essential Supplies) Order 2015

Protection of essential supplies

2.—(1) Section 233 of the Insolvency Act 1986(1) is amended in accordance with paragraphs (2) and (3).

(2) In subsection (3)—

(a) after paragraph (a) insert—

“(aa) a supply of gas by a person within paragraph 1 of Schedule 2A to the Gas Act 1986(2) (supply by landlords etc.);”;

(b) after paragraph (b) insert—

“(ba) a supply of electricity by a class of person within Class A (small suppliers) or Class B (resale) of Schedule 4 to the Electricity (Class Exemptions from the Requirement for a Licence) Order 2001(3) (S.I. 2001/3270);”;

(c) after paragraph (c) insert—

“(ca) a supply of water by a water supply licensee within the meaning of the Water Industry Act 1991(4);

(cb) a supply of water by a water services provider within the meaning of the Water Services etc. (Scotland) Act 2005(5);

(cc) a supply of water by a person who has an interest in the premises to which the supply is given;”;

(d) after paragraph (d) insert—

“(e) a supply of communications services by a person who carries on a business which includes giving such supplies;

(f) a supply of goods or services mentioned in subsection (3A) by a person who carries on a business which includes giving such supplies, where the supply is for the purpose of enabling or facilitating anything to be done by electronic means.”.

(3) After subsection (3) insert—

“(3A) The goods and services referred to in subsection (3)(f) are—

(a) point of sale terminals;

(b) computer hardware and software;

(c) information, advice and technical assistance in connection with the use of information technology;

(1) 1986 c.45; section 233(3) was amended by paragraph 78 of Schedule 25 to the Water Act 1989 (c. 15), paragraph 14 of Schedule 4 to the Gas Act 1995 (c. 45), paragraph 47 of Schedule 6 to the Utilities Act 2000 (c. 27), paragraph 82 of Schedule 17 to the Communications Act 2003 (c. 21), and paragraph 14 of the Schedule to S.I. 2004/1822.

(2) 1986 c.44; paragraph 1 of Schedule 2A was inserted by Schedule 1 to the Gas Act 1995 (c.45).

(3) S.I. 2001/3270.

(4) 1991 c.56; the meaning of water supply licensee is given by section 17A of the Water Industry Act 1991, which is to be inserted by section 1 of the Water Act 2014 (c.21) on a day yet to be appointed.

(5) 2005 asp 3.

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- (d) data storage and processing;
- (e) website hosting.”.

(4) Until the commencement of section 1 of the Water Act 2014⁽⁶⁾, paragraph (ca) of section 233(3) of the Insolvency Act 1986 (as inserted by paragraph (2)(c)) is to be read as if for the words “water supply licensee” there were substituted the words “licensed water supplier”.

⁽⁶⁾ 2014 c.21; section 1 will commence on a day yet to be appointed. The meaning of licensed water supplier is given by section 17B of the Water Industry Act 1991 (c.56), which was inserted by paragraph 2 of Schedule 4 to the Water Act 2003 (c.37).