Draft Order laid before Parliament under section 72H of the Insolvency Act 1986 for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2003 No.

INSOLVENCY

COMPANIES

The Insolvency Act 1986 (Amendment) (Administrative Receivership and Urban Regeneration etc.) Order 2003

Made - - - -	*2003*
Laid before Parliament	*2003*
Coming into force in accordance with Article 1	

Whereas a draft of this Order has been approved by a resolution of each House of Parliament pursuant to section 72H of the Insolvency Act 1986(**1**).

Now therefore the Secretary of State, in exercise of the power conferred on her by section 72H of the Insolvency Act 1986, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Insolvency Act 1986 (Amendment) (Administrative Receivership and Urban Regeneration etc.) Order 2003 and shall come into force immediately after the insertion into the Insolvency Act 1986 of sections 72A to 72G and Schedule 2A has effect(**2**).

Exception from prohibition on appointment of administrative receiver: urban regeneration project

2. Chapter IV of Part III of the Insolvency Act 1986 is amended by—

(a) the substitution in section 72A(6) of the words "sections 72B to 72GA" for the words "sections 72B to 72G";

(b) the insertion after section 72D of—

(**1**) 1986 c. 45; section 72H was inserted into the Insolvency Act 1986 by section 250 of the Enterprise Act 2002 (c. 40).

(**2**) Sections 72A to 72G and Schedule 2A are prospectively inserted into the Insolvency Act 1986 by section 250 of, and Schedule 18 to, the Enterprise Act 2002.

"**Exception in respect of urban regeneration projects**

72DA.—(1) Section 72A does not prevent the appointment of an administrative receiver of a project company of a project which—

(a) is designed wholly or mainly to develop land which at the commencement of the project is wholly or partly in a designated disadvantaged area outside Northern Ireland, and

(b) includes step-in rights.

(2) In subsection (1) "develop" means to carry out—

(a) building operations,

(b) any operation for the removal of substances or waste from land and the levelling of the surface of the land, or

(c) engineering operations in connection with the activities mentioned in paragraph (a) or (b).

(3) In this section—

"building" includes any structure or erection, and any part of a building as so defined, but does not include plant and machinery comprised in a building,

"building operations" includes—

(a) demolition of buildings,

(b) filling in of trenches,

(c) rebuilding,

(d) structural alterations of, or additions to, buildings and

(e) other operations normally undertaken by a person carrying on business as a builder,

"designated disadvantaged area" means an area designated as a disadvantaged area under section 92 of the Finance Act 2001(**3**),

"engineering operations" includes the formation and laying out of means of access to highways,

"project company" has the meaning given by paragraph 7 of Schedule 2A,

"step-in rights" has the meaning given by paragraph 6 of that Schedule,

"substance" means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour, and

"waste" includes any waste materials, spoil, refuse or other matter deposited on land." and

(c) by the insertion after 72G of—

"**Exception in relation to protected railway companies etc.**

72GA. Section 72A does not prevent the appointment of an administrative receiver of—

(a) a company holding an appointment under Chapter I of Part II of the Water Industry Act 1991(**4**),

(**3**) 2001 c. 9.
(**4**) 1991 c. 56.