



# Insolvency Act 1986

## 1986 CHAPTER 45

### PART VI

#### MISCELLANEOUS PROVISIONS APPLYING TO COMPANIES WHICH ARE INSOLVENT OR IN LIQUIDATION

##### *Management by administrators, liquidators, etc.*

#### **233 Supplies of gas, water, electricity, etc.**

- (1) This section applies in the case of a company where—
- (a) an administration order is made in relation to the company, or
  - (b) an administrative receiver is appointed, or
  - [<sup>F1</sup>(ba) a moratorium under section 1A is in force, or]
  - (c) a voluntary arrangement [<sup>F2</sup>approved under Part I], has taken effect, or
  - (d) the company goes into liquidation, or
  - (e) a provisional liquidator is appointed;

and “the office-holder” means the administrator, the administrative receiver, [<sup>F3</sup>the nominee,] the supervisor of the voluntary arrangement, the liquidator or the provisional liquidator, as the case may be.

- (2) If a request is made by or with the concurrence of the office-holder for the giving, after the effective date, of any of the supplies mentioned in the next subsection, the supplier—
- (a) may make it a condition of the giving of the supply that the office-holder personally guarantees the payment of any charges in respect of the supply, but
  - (b) shall not make it a condition of the giving of the supply, or do anything which has the effect of making it a condition of the giving of the supply, that any outstanding charges in respect of a supply given to the company before the effective date are paid.

- (3) The supplies referred to in subsection (2) are—

*Status: Point in time view as at 25/07/2003. This version of this provision has been superseded.*

*Changes to legislation: Insolvency Act 1986, Section 233 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- [<sup>F4</sup>(a) a supply of gas by a gas supplier within the meaning of Part I of the Gas Act 1986;]
- [<sup>F5</sup>(b) a supply of electricity by an electricity supplier within the meaning of Part I of the Electricity Act 1989;]
- (c) a supply of water by [<sup>F6</sup>a water undertaker] or, in Scotland, a water authority,
- [<sup>F7</sup>(d) a supply of communications services by a provider of a public electronic communications service.]
- (4) “The effective date” for the purposes of this section is whichever is applicable of the following dates—
- (a) the date on which the administration order was made,
- (b) the date on which the administrative receiver was appointed (or, if he was appointed in succession to another administrative receiver, the date on which the first of his predecessors was appointed),
- [<sup>F8</sup>(ba) the date on which the moratorium came into force]
- (c) the date on which the voluntary arrangement [<sup>F9</sup>took effect],
- (d) the date on which the company went into liquidation,
- (e) the date on which the provisional liquidator was appointed.
- (5) The following applies to expressions used in subsection (3)—
- <sup>F10</sup>(a) .....
- <sup>F11</sup>(b) .....
- (c) “water authority” means the same as in the <sup>M1</sup>Water (Scotland) Act 1980, and
- [<sup>F12</sup>(d) “communications services” do not include electronic communications services to the extent that they are used to broadcast or otherwise transmit programme services (within the meaning of the Communications Act 2003).]

#### Textual Amendments

- F1** S. 233(1)(ba) inserted (1.1.2003) by 2000 c. 39, s. 1, **Sch. 1 para. 8(2)(a)**; S.I. 2002/2711, **art. 2** (subject to transitional provisions in **arts. 3-5**)
- F2** Words in s. 233(1)(c) inserted (1.1.2003) by 2000 c. 39, s. 1, **Sch. 1 para. 8(2)(b)**; S.I. 2002/2711, **art. 2** (subject to transitional provisions in **arts. 3-5**)
- F3** Words in s. 233(1) inserted (1.1.2003) by 2000 c. 39, s. 1, **Sch. 1 para. 8(2)(b)**; S.I. 2002/2711, **art. 2** (subject to transitional provisions in **arts. 3-5**)
- F4** S. 233(3)(a) substituted (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 14(1)**; S.I. 1996/218, **art. 2**
- F5** S. 233(3)(b) substituted (1.10.2001) by 2000 c. 27, s. 108, **Sch. 6 para. 47(2)(a)**; S.I. 2001/3266, **arts. 1(2), 2, Sch.** (subject to **arts. 3-20**)
- F6** Words substituted by **Water Act 1989** (c. 15, SIF 130), s. 190, **Sch. 25 para. 78(1)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F7** S. 233(3)(d) substituted (25.7.2003 for specified purposes, otherwise prosp.) by **Communications Act 2003** (c. 21), ss. 406(1)(6), 408, 411, **Sch. 17 para. 82(a)** (with Sch. 18); S.I. 2003/1900, **arts. 1(2), 2(1), 3(1)** (with **art. 3(2)**)
- F8** S. 233(4)(ba) inserted (1.1.2003) by 2000 c. 39, s. 1, **Sch. 1 para. 8(3)(a)**; S.I. 2002/2711, **art. 2** (subject to transitional provisions in **arts. 3-5**)
- F9** Words in s. 233(4)(c) substituted (1.1.2003) by 2000 c. 39, s. 1, **Sch. 1 para. 8(3)(b)**; S.I. 2002/2711, **art. 2** (subject to transitional provisions in **arts. 3-5**)
- F10** S. 233(5)(a) repealed (1.3.1996) by 1995 c. 45, ss. 16(1), 17(5), Sch. 4 para. 14(2), **Sch. 6**; S.I. 1996/218, **art. 2**
- F11** S. 233(5)(b) repealed (1.10.2001) by 2000 c. 27, s. 108, Sch. 6 para. 47(2)(b), **Sch. 8**; S.I. 2001/3266, **arts. 1(2), 2, Sch.** (subject to **arts. 3-20**)

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**F12** S. 233(5)(d) substituted (25.7.2003 for specified purposes, otherwise prosp.) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, [Sch. 17 para. 82\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1) (with art. 3(2))

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**Modifications etc. (not altering text)**

**C1** S. 233 applied (1.12.1994) by [S.I. 1994/2421](#), [art. 4\(3\)\(a\)](#)

S. 233 applied (with modifications) (S.) (6.4.2001) by [S.S.I. 2001/128](#), reg. 4(1), [Sch. 2](#)

**C2** S. 233(1)(4) modified (S.) (6.4.2001) by [S.S.I. 2001/128](#), reg. 4(2), [Sch. 3](#)

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**Marginal Citations**

**M1** 1980 c. 45.

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