
STATUTORY INSTRUMENTS

2009 No. 2477

The Water Industry (Special Administration) Rules 2009

PART 7

Court procedure and practice

CHAPTER 3

Access to court records

CPR rules not to apply

81. CPR Part 5 (other than rules 5.4B and 5.4C) does not apply to documents filed in special administration proceedings.

Certain persons' right to inspect the court file

82.—(1) The following may, at a reasonable time, inspect the court's file in relation to any special administration proceedings—

- (a) the special administrator;
- (b) the Authority;
- (c) the Secretary of State;
- (d) the Welsh Ministers;
- (e) the Chief Inspector of Drinking Water;
- (f) the Environment Agency;
- (g) the Consumer Council for Water;
- (h) subject to paragraph (2), a creditor of the water company to which the special administration proceedings relate;
- (i) a person who is, or at any time has been, a director or officer of that company;
- (j) a member of that company.

(2) A person who claims to be a creditor of the water company must make a written statement as to being such a creditor.

(3) A person's right of inspection may be exercised on the person's behalf by another person authorised by the first person.

(4) Any other person may inspect the file with the court's permission.

(5) However, the court may declare that the right of inspection under this rule is not exercisable in relation to a particular document, or a part of a document, without the court's permission.

(6) An application for a declaration under paragraph (5) may be made by the special administrator or by any other person who has an interest.

Status: Point in time view as at 01/11/2009.

Changes to legislation: There are currently no known outstanding effects for the The Water Industry (Special Administration) Rules 2009, CHAPTER 3. (See end of Document for details)

Right to copy documents

83. If a person has a right to inspect a document on the court's file, the person may also take a copy of the document, on payment of the fee prescribed under section 92 of the Courts Act 2003 ^{M1}.

Marginal Citations

M1 2003 c. 39.

Official copies of documents on court file

84.—(1) A person who has the right to inspect the court file of special administration proceedings may request the court for an official copy of any document from the file.

(2) A person's solicitor may exercise the person's right under this rule.

(3) An official copy provided under this rule will be in the form that the registrar thinks appropriate, and will bear the court's seal.

False claim of status as creditor or member

85.—(1) It is an offence for a person falsely to claim, with the intention of obtaining a sight of documents on the court file that the person has no right to inspect, a status that would entitle the person to inspect such a document.

(2) A person guilty of an offence under this rule is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or to both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

Filing of copies of London Gazette notices and advertisements

86.—(1) If a person causes a notice to be published in the London Gazette in relation to special administration proceedings, the person must file a copy of the notice.

(2) If a person causes an advertisement to be published in a newspaper in relation to special administration proceedings, the person must file a copy of the advertisement.

(3) The copy of the notice or advertisement must be accompanied by, or have endorsed on it, sufficient particulars to identify the proceedings and the date of the notice's or advertisement's appearance.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Water Industry (Special Administration) Rules 2009, CHAPTER 3.