

*Status: Point in time view as at 01/10/2011. This version of this provision has been superseded.*

*Changes to legislation: Insolvency Act 1986, Paragraph 10 is up to date with all changes known to be in force on or before 22 June 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)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 2A

#### EXCEPTIONS TO PROHIBITION ON APPOINTMENT OF ADMINISTRATIVE RECEIVER: SUPPLEMENTARY PROVISIONS

##### Textual Amendments

- F1** Sch. 2A inserted (15.9.2003) by 2002 c. 40, s. 250(2), 279, Sch. 18 (with s. 249(6)); S.I. 2003/2093, art. 2(1), Sch. 1 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

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

- C1** Sch. 2A extended (24.6.2003) by The Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003 (S.I. 2003/1633), regs. 1, 15, Sch. 2 para. 7

#### Regulated business

- 10 (1) For the purposes of section 72D a business is regulated if it is carried on—
- (a) [<sup>F2</sup>in reliance on a licence granted to a person under section 7 of the Telecommunications Act 1984 (c. 12) (telecommunications service),]
  - (b) in reliance on a licence under section 7 or 7A of the Gas Act 1986 (c. 44) (transport and supply of gas),
  - (c) in reliance on a licence granted by virtue of section 41C of that Act (power to prescribe additional licensable activity),
  - (d) in reliance on a licence under section 6 of the Electricity Act 1989 (c. 29) (supply of electricity),
  - (e) by a water undertaker,
  - (f) by a sewerage undertaker,
  - (g) by a universal service provider within the meaning [<sup>F3</sup>of Part 3 of the Postal Services Act 2011],
  - [<sup>F4</sup>(h) by a Post Office company within the meaning of Part 1 of that Act,]
  - (i) <sup>F5</sup> . . . . .
  - (j) in reliance on a licence under section 8 of the Railways Act 1993 (c. 43) (railway services),
  - (k) in reliance on a licence exemption under section 7 of that Act (subject to sub-paragraph (2) below),
  - (l) by the operator of a system of transport which is deemed to be a railway for a purpose of Part I of that Act by virtue of section 81(2) of that Act (tramways, &c.), <sup>F6</sup> . . .
  - (m) by the operator of a vehicle carried on flanged wheels along a system within paragraph (1)[<sup>F7</sup> or
  - (n) in reliance on a European licence granted pursuant to a provision contained in any instrument made for the purpose of implementing Council Directive

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1995/18/EC dated 19th June 1995 on the licensing of railway undertakings, as amended by Directive 2001/13/EC dated 26th February 2001 and Directive 2004/49/EC dated 29th April 2004, both of the European Parliament and of the Council, or pursuant to any action taken by an EEA State for that purpose.]

- (2) Sub-paragraph (1)(k) does not apply to the operator of a railway asset on a railway unless on some part of the railway there is a permitted line speed exceeding 40 kilometres per hour.

[ For the purposes of section 72D a business is also regulated to the extent that <sup>F8</sup>(2A) it consists in the provision of a public electronic communications network or a publicelectronic communications service.]

[ In sub-paragraph (1)(n), an “EEA State” means a member State, Norway, Iceland or <sup>F9</sup>(2B) Liechtenstein.]]

#### Textual Amendments

- F2** Sch. 2A para. 10(1)(a) repealed (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)**, Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1) (with art. 3(2) (as amended (8.12.2003) by 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F3** Words in Sch. 2A para. 10(1)(g) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), ss. 91, 93(2) (3), **Sch. 12 para. 126(a)**; S.I. 2011/2329, **art. 3** (with arts. 4, 5)
- F4** Sch. 2A para. 10(1)(h) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), ss. 91, 93(2)(3), **Sch. 12 para. 126(b)**; S.I. 2011/2329, **art. 3** (with arts. 4, 5)
- F5** Sch. 2A para. 10(1)(i) omitted (1.10.2011) by virtue of Postal Services Act 2011 (c. 5), ss. 91, 93(2)(3), **Sch. 12 para. 126(c)**; S.I. 2011/2329, **art. 3** (with arts. 4, 5)
- F6** Word in Sch. 2A para. 10(1)(l) omitted (28.11.2005) by virtue of The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), regs. 3, 4, 20, **Sch. 1 para. 2(a)** (with Sch. 4)
- F7** Sch. 2A para. 10(1)(n) and preceding word added (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), regs. 3, 4, 20, **Sch. 1 para. 2(b)** (with Sch. 4)
- F8** Sch. 2A para. 10(2A) inserted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406, 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) (as amended (8.12.2003) by 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F9** Sch. 2A para. 10(2B) added (28.11.2005) by The Railway (Licensing of Railway Undertakings) Regulations 2005 (S.I. 2005/3050), regs. 3, 4, 20, **Sch. 1 para. 2(c)** (with Sch. 4)

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