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STATUTORY INSTRUMENTS

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**2009 No. 2477**

**The Water Industry (Special Administration) Rules 2009**

**PART 8**

**Examination of persons in special administration proceedings**

**Warrants under section 236 of the Insolvency Act**

**115.**—(1) The tipstaff and any assistant of the tipstaff are prescribed officers of the court for the purposes of section 236(5) of the Insolvency Act.

(2) If a person is arrested under a warrant issued under that section, the officer or constable who arrests the person must, as soon as reasonably practicable, bring the person before the court so that the person can be examined.

(3) If the person cannot immediately be brought up for examination, the officer or constable must deliver the person into the custody of the governor of the prison specified in the warrant, who must keep the person in custody and produce the person before the court as the court directs.

(4) After arresting the person, the officer or constable must immediately—

- (a) report to the court the arrest or delivery into custody; and
- (b) apply to the court to fix a venue for the person's examination.

(5) The court must appoint the earliest practicable time for the examination, and must—

- (a) direct the governor of the prison to produce the person for examination at the time and place appointed; and
- (b) give notice of the venue to the person who applied for the warrant.

(6) Any property in the arrested person's possession that has been seized must, in accordance with any direction of the court—

- (a) be lodged with, or otherwise dealt with as instructed by, whoever is specified in the warrant as authorised to receive it; or
- (b) be kept by the officer or constable seizing it pending the receipt of written orders from the court as to its disposal.