



2011 CHAPTER 6

PART 2

SPECIAL ADMINISTRATION REGIME
FOR PROTECTED ENERGY COMPANIES

Interpretation of Part 2

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33.—(1) In this Part—

“the Insolvency Order” means the [Insolvency \(Northern Ireland\) Order 1989 \(NI 19\)](#);

“business”, “member”, “property” and “security” have the same meanings as in Parts 2 to 7 of the Insolvency Order;

“company” means—

- (a) a company registered under the Companies Act [2006 \(c. 46\)](#); or
- (b) an unregistered company;

“energy administration order” has the meaning given by section 17(1);

“energy administration rules” means rules made under Article 359 of the Insolvency Order by virtue of section 22(3);

“energy administrator” has the meaning given by section 17(2) and is to be construed in accordance with subsection (2) of this section;

“non-NI company” means a company incorporated outside Northern Ireland;

“objective of the energy administration” is to be construed in accordance with section 18;

“protected energy company” has the meaning given by section 17(5);

“relevant licence” has the meaning given by section 17(5);

“unregistered company” means a company that is not registered under the Companies Act 2006;

“wholly-owned subsidiary” has the same meaning as in the Companies Act 2006.

(2) In this Part references to the energy administrator of a company—

(a) includes (if paragraph 92 or 104 of Schedule B1 to the Insolvency Order are applied by regulations under section 22(1)) references to a person appointed under either of those paragraphs to be the energy administrator of that company; and

(b) where two or more persons are appointed to be the energy administrator of that company, are to be construed in accordance with the provision made under section 21(5).

(3) References in this Part to a person qualified to act as an insolvency practitioner in relation to a company are to be construed in accordance with Part 12 of the Insolvency Order (insolvency practitioners and their qualifications); but as if references in that Part to a company included references to a company registered under the Companies Act 2006 in Great Britain.

(4) For the purposes of this Part an application made to the High Court is outstanding if it—

(a) has not yet been granted or dismissed; and

(b) has not been withdrawn.

(5) For the purposes of subsection (4) an application is not to be taken as having been dismissed if an appeal against the dismissal of the application, or a subsequent appeal, is pending.

(6) An appeal shall be treated as pending for the purposes of subsection (5) if—

(a) such an appeal has been brought and has been neither determined nor withdrawn;

(b) an application for permission to appeal has been made but has not been determined or withdrawn; or

(c) no such appeal has been brought and the period for bringing an appeal is still running.

(7) References in this Part to Schedule B1 to the Insolvency Order, or to a provision of that Schedule (except the references in subsection (2)), are references to that Schedule or that provision without any modifications made by regulations under section 22(1).