



2011 CHAPTER 6

PART 2

**SPECIAL ADMINISTRATION REGIME
FOR PROTECTED ENERGY COMPANIES**

Energy administration orders

Powers of court

20.—(1) On hearing an application for an energy administration order, the High Court has the following powers—

- (a) it may make the order;
- (b) it may dismiss the application;
- (c) it may adjourn the hearing conditionally or unconditionally;
- (d) it may make an interim order;
- (e) it may treat the application as a winding-up petition and make any order the Court could make under Article 105 of the Insolvency Order (power of Court on hearing winding-up petition);
- (f) it may make any other order which the Court thinks appropriate.

(2) The High Court may make an energy administration order in relation to a company only if it is satisfied—

- (a) that the company is unable to pay its debts;
- (b) that it is likely to be unable to pay its debts; or
- (c) that, on a petition by the Department under Article 104A of the Insolvency Order (petition for winding up on grounds of public interest), it would be

Changes to legislation: There are currently no known outstanding effects for the Energy Act (Northern Ireland) 2011, Section 20. (See end of Document for details)

just and equitable (disregarding the objective of the energy administration) to wind up the company in the public interest.

(3) The High Court must not make an energy administration order in relation to a company on the ground set out in subsection (2)(c) unless the Department has certified to the Court that the case is one in which it considers (disregarding the objective of the energy administration) that it would be appropriate for the Department to petition under Article 104A of the Insolvency Order.

(4) The High Court has no power to make an energy administration order in relation to a company which—

- (a) is in administration under Schedule B1 to the Insolvency Order; or
- (b) has gone into liquidation (within the meaning of Article 6(2) of that Order).

(5) An energy administration order comes into force—

- (a) at the time appointed by the High Court; or
- (b) if no time is so appointed, when the order is made.

(6) An interim order under subsection (1)(d) may, in particular—

- (a) restrict the exercise of a power of the company or of its directors; or
- (b) make provision conferring a discretion on a person qualified to act as an insolvency practitioner in relation to the company.

(7) Where the company in relation to which an application is made is a non-NI company, the reference in subsection (6)(a) to restricting the exercise of a power of the company or of its directors is a reference only to restricting the exercise of such a power—

- (a) within Northern Ireland; or
- (b) in relation to the company's affairs or business so far as carried on in Northern Ireland, or to its property in Northern Ireland.

(8) For the purposes of this section a company is unable to pay its debts if—

- (a) it is a company which is deemed to be so unable under Article 103 of the Insolvency Order (definition of inability to pay debts); or
- (b) it is an unregistered company which is deemed, by virtue of any of Articles 186 to 188 of that Order, to be so unable for the purposes of Article 185 of that Order (winding up of unregistered companies), or which would be so deemed if it were an unregistered company for the purposes of those Articles.

Modifications etc. (not altering text)

- C1** Ss. 19-33: power to apply (with modifications) conferred (26.10.2023) by [Energy Act 2023](#) (c. 52), s. 334(2)(l), [Sch. 18 para. 50](#)

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