
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 171

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) (No. 3) 2013**

Amendment of the Sheriff Court Company Insolvency Rules

3.—(1) The Act of Sederunt (Sheriff Court Company Insolvency Rules) 1986⁽¹⁾ is amended in accordance with the following subparagraphs.

(2) In rule 3 (interpretation)⁽²⁾—

(a) in paragraph (1) insert the following definitions in the appropriate sequential order—

“the Act of 2004” means the Energy Act 2004⁽³⁾;

“the Act of 2011” means the Energy Act 2011⁽⁴⁾;

“administration” shall include an energy administration under the Act of 2004 or the Energy Administration Rules and an energy supply company administration under the Act of 2011 or the Energy Supply Company Administration Rules and “administration order” and “administrator” shall be construed accordingly;

“the Energy Administration Rules” means the Energy Administration (Scotland) Rules 2006⁽⁵⁾;

“the Energy Supply Company Administration Rules” means the Energy Supply Company Administration (Scotland) Rules 2013⁽⁶⁾;

“non GB company” for the purposes of an energy administration shall have the meaning assigned in section 171 of the Act of 2004 and for the purposes of an energy supply company administration shall have the meaning assigned in section 102 of the 2011 Act;”;

(b) in paragraph 2—

(i) after the words “Act of 1986” insert “, the Act of 2004, the Act of 2011, the Energy Administration Rules, the Energy Supply Company Administration Rules”;

(ii) for “that Act” substitute “those Acts”.

(3) In rule 3A (representation)⁽⁷⁾ omit “the Scottish” where it first occurs.

(4) In rule 10(1) (petitions for administration orders)⁽⁸⁾—

(a) at the beginning of subparagraph (c), insert “in the case of a petition under the Act of 1986,”;

(b) in subparagraph (h)—

(1) S.I. 1986/2297, last amended by S.S.I. 2008/223.
(2) Rule 3 was last amended by S.S.I. 2008/223.
(3) 2004 c.20.
(4) 2011 c.16.
(5) S.I. 2006/772.
(6) S.I. 2013/1047
(7) Rule 3A was inserted by S.S.I. 2008/223.
(8) Rule 10 was last amended by S.S.I. 2008/223.

- (i) at the beginning, insert—
 - “in the case of a petition under the Act of 1986,”;
 - (ii) omit “and” where it appears at the end;
 - (c) for subparagraph (i), substitute—
 - “(i) the name and address of the person proposed to be appointed, and his or her qualification to act, as administrator;
 - (j) whether the Secretary of State has certified the case as one in which he or she considers it would be appropriate for him or her to petition under section 124A of the Act of 1986 (petition for winding up on grounds of public interest);
 - (k) so far as is known to the petitioner in a petition for an energy administration order or an energy supply company administration order, whether any steps have been taken for an administration order under Schedule B1 to the Act of 1986; and
 - (l) whether a protected energy company in a petition for an energy administration order, or an energy supply company in a petition for an energy supply company administration order, is a non GB company;”.
- (5) In rule 11 (notice of petition)(**9**), after the words “Insolvency Rules” insert “, section 156(2) (a) to (c) of the 2004 Act, rule 5(1) of the Energy Administration Rules or rule 6(1) of the Energy Supply Company Administration Rules,”.
- (6) In rule 12 (applications during an administration)(**10**), after the words “the Insolvency Rules,” insert “the Act of 2004, the Energy Administration Rules, the Act of 2011,”.
- (7) In Rule 14A (time and date of lodging in an administration)(**11**), omit the words “under the Act of 1986 or the Insolvency Rules”.

(9) Rule 11 was last amended by [S.S.I. 2003/388](#).

(10) Rule 12 was last amended by [S.S.I. 2006/200](#).

(11) Rule 14A was substituted by [S.S.I. 2003/388](#).