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STATUTORY INSTRUMENTS

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**2005 No. 2483**

**The Energy Administration Rules 2005**

**PART 6**

**EXPENSES OF THE ENERGY ADMINISTRATION**

**Priority of expenses of energy administration**

**35.**—(1) The expenses of the energy administration are payable in the following order of priority—

- (a) expenses properly incurred by the energy administrator in performing his functions in the energy administration of the protected energy company;
- (b) the cost of any security provided by the energy administrator in accordance with the 1986 Act or the Rules;
- (c) where an energy administration order was made, the costs of the applicant and any person appearing on the hearing of the application;
- (d) any amount payable to a person employed or authorised, under Part 3 of the Rules, to assist in the preparation of a statement of affairs or statement of concurrence;
- (e) any allowance made, by order of the court, towards costs on an application for release from the obligation to submit a statement of affairs or statement of concurrence;
- (f) any necessary disbursements by the energy administrator in the course of the energy administration (but not including any payment of corporation tax in circumstances referred to in sub-paragraph (i) below);
- (g) the remuneration or emoluments of any person who has been employed by the energy administrator to perform any services for the protected energy company, as required or authorised under the 1986 Act or the 2004 Act, Schedule B1 to the 1986 Act or the Rules;
- (h) the remuneration of the energy administrator agreed under Part 8 of the Rules;
- (i) the amount of any corporation tax on chargeable gains accruing on the realisation of any asset of the protected energy company (without regard to whether the realisation is effected by the energy administrator, a secured creditor, or a receiver or manager appointed to deal with a security).

(2) The priorities laid down by paragraph (1) of this Rule are subject to the power of the court to make orders under paragraph (3) of this Rule where the assets are insufficient to satisfy the liabilities.

(3) The court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the expenses incurred in the energy administration in such order of priority as the court thinks just.

(4) For the purposes of paragraph 99(3) of Schedule B1 to the 1986 Act, the former energy administrator's remuneration and expenses shall comprise all those items set out in paragraph (1) of this Rule.