
STATUTORY INSTRUMENTS

2006 No. 772

The Energy Administration (Scotland) Rules 2006

PART 4

Meetings and Reports

Revision of the energy administrator's proposals

26.—(1) Where the energy administrator revises his proposals under paragraph 54 of Schedule B1 to the 1986 Act, he shall send a statement of the revised proposals in Form EA13(S) as soon as reasonably practicable to all those to whom he is required to do so.

(2) The statement of revised proposals shall include—

- (a) details of the court which granted the energy administration order and the relevant court reference number (if any);
- (b) the full name, registered address, registered number and any other trading names of the protected energy company;
- (c) details relating to the appointment of the energy administrator, including the date of appointment and whether the energy administration application was made by the Secretary of State or by GEMA;
- (d) the names of the directors and secretary of the protected energy company and details of any shareholdings which they have in the protected energy company;
- (e) a summary of the initial proposals and the reason(s) for proposing a revision;
- (f) details of the proposed revision including details of the energy administrator's assessment of the likely impact of the proposed revision upon creditors generally or upon each class of creditors (as the case may be);
- (g) where it is proposed, by virtue of the revision, to make distributions to creditors in accordance with Part 6, the classes of creditors to whom it is proposed that distributions be made and whether or not the energy administrator intends to make an application to the court under paragraph 65(3) of Schedule B1 to the 1986 Act;
- (h) where the revision includes a proposal to move from energy administration to a creditors' voluntary liquidation—
 - (i) details of the proposed liquidator; and
 - (ii) a statement that, in accordance with paragraph 83(7) of Schedule B1 to the 1986 Act and Rule 47(3), creditors may nominate another person to act as liquidator, provided that the nomination is made at a meeting of creditors called for that purpose; and
- (i) any other information that the energy administrator thinks necessary to enable creditors to decide whether or not to vote for the proposed revisions.

(3) Subject to paragraph 54(4) of Schedule B1 to the 1986 Act, within 5 days of sending out the statement in paragraph (1) above, the energy administrator shall send a copy of the statement to every member of the protected energy company.

(4) A notice under paragraph 54(4) of Schedule B1 to the 1986 Act shall be published once in the Edinburgh Gazette and once in the newspaper in which the energy administrator's appointment was advertised, and shall—

- (a) state the full name of the protected energy company;
- (b) state the name and address of the energy administrator;
- (c) specify an address to which members can write for a copy of the statement, to be provided free of charge; and
- (d) be published as soon as reasonably practicable after the energy administrator sends the statement to creditors.