
STATUTORY INSTRUMENTS

2006 No. 772

The Energy Administration (Scotland) Rules 2006

PART 5

Claims in Energy Administration

Entitlement to vote and draw dividend

30.—(1) A creditor who has had his claim accepted in whole or in part by the energy administrator or on appeal under paragraph (5) of Rule 31 shall be entitled—

- (a) in a case where the acceptance is under (or on appeal arising from) paragraph (1) of Rule 31, to vote on any matter at the meeting of creditors for the purpose of voting at which the claim is accepted; and
- (b) in a case where the acceptance is under (or on appeal arising from) paragraph (2) of Rule 31, to payment out of the assets of the protected energy company of a dividend in respect of the distribution for the purposes of which the claim is accepted; but such entitlement to payment shall arise only in so far as the protected energy company has funds available to make that payment, having regard to Rule 39, and payment would be consistent with the power and duties of the energy administrator.

(2) Votes are calculated according to the amount of a creditor's debt as at the date on which the protected energy company entered energy administration, deducting any amount paid in respect of that debt after that date.

(3) No vote shall be cast by virtue of a debt more than once on any resolution put to the meeting.

(4) Any reference in this Rule and Rules 28 to 36 to the energy administrator includes, where applicable, a reference to the chairman of the meeting.