
STATUTORY INSTRUMENTS

2006 No. 772

The Energy Administration (Scotland) Rules 2006

PART 7

Ending Energy Administration

Application to court

45.—(1) An application under paragraph 79 of Schedule B1 to the 1986 Act for an order providing for the appointment of an energy administrator of the protected energy company to cease to have effect shall be accompanied by a progress report for the period since the last such report (if any) and a statement indicating what the applicant thinks should be the next steps for the protected energy company (if applicable).

(2) Subject to paragraph (3), where the applicant applies to the court he shall give to—

- (a) the applicant for the energy administration order (unless the applicant in both cases is the same); and
- (b) the creditors of the protected energy company,

at least 7 days' written notice of his intention so to apply.

(3) Where an applicant other than the energy administrator applies to the court—

- (a) the applicant shall give to the energy administrator at least 7 days' written notice of his intention so to apply; and
- (b) upon receipt of such written notice the energy administrator shall, before the end of the 7 day notice period, provide the applicant with a progress report for the period since the last progress report (if any) or the date the protected energy company entered energy administration.

(4) Where the application is made other than by the Secretary of State, it shall also state that it is made with the consent of the Secretary of State.

(5) Where the energy administrator applies to court under paragraph 79 of Schedule B1 to the 1986 Act in conjunction with a petition under section 124 of the 1986 Act for an order to wind up the protected energy company, he shall, in addition to the requirements of paragraphs (2) and (4), notify the creditors of whether he intends to seek appointment as liquidator.