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STATUTORY INSTRUMENTS

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**2006 No. 772**

**The Energy Administration (Scotland) Rules 2006**

**PART 1**

**Construction and Interpretation**

**Citation and commencement**

1. These Rules may be cited as the Energy Administration (Scotland) Rules 2006 and shall come into force on 6th April 2006.

**Construction and interpretation**

2.—(1) In these Rules—

“the 1986 Act” means the Insolvency Act 1986;

“the 2004 Act” means the Energy Act 2004;

“administrative receiver” has the same meaning as in section 156(4) of the 2004 Act;

“the Companies Act” means the Companies Act 1985<sup>(1)</sup>;

“GEMA” means the Gas and Electricity Markets Authority;

“insolvency proceedings” has the same meaning as in the Insolvency Rules;

“the Insolvency Rules” means the Insolvency (Scotland) Rules 1986<sup>(2)</sup>;

“qualifying floating charge” has the same meaning as in paragraph 14(2) of Schedule B1 to the 1986 Act, without the modifications made by Schedule 20 to the 2004 Act;

“responsible insolvency practitioner” means, in relation to any insolvency proceedings, the person acting as supervisor of a voluntary arrangement under Part I of the 1986 Act, or as receiver, liquidator or provisional liquidator;

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

“venue” means, in respect of any proceedings or meetings, the time, date and place for the proceedings or meeting.

(2) References to provisions of Schedule B1 to the 1986 Act are references to those provisions as modified and applied by Schedule 20 to the 2004 Act unless otherwise stated.

(3) References to other provisions of the 1986 Act are, where those provisions have been modified by Schedule 20 to the 2004 Act, references to those provisions as so modified.

(4) Where the protected energy company is a non GB company within the meaning of section 171 of the 2004 Act, references in these Rules to the affairs, business and property of the company are references only to its affairs and business so far as carried on in Great Britain and to its property in Great Britain unless otherwise stated.

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(1) 1985 c. 6.

(2) S.I. 1986/1915, as amended by S.I. 1987/1921, 1999/1820, 2001/4040, 2002/2709, 2003/2108, 2003/2109 and 2003/2111.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(5) Where the protected energy company is an unregistered company, any requirement to send information to the registrar of companies applies only if the company is subject to a requirement imposed by virtue of section 691(1)(3) or 718(4) of the Companies Act.

### **Application**

**3.** The Rules apply in relation to protected energy companies which the courts in Scotland have jurisdiction to wind up.

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(3) 1985 c. 6, as amended by S.I. 2000/3373 and 2002/912.

(4) As amended by S.I. 1996/2827 and 2001/1228.