
STATUTORY INSTRUMENTS

2006 No. 772

The Energy Administration (Scotland) Rules 2006

PART 2

Appointment of Energy Administrator by Court

Form of application

4.—(1) Where an application is made by way of petition for an energy administration order to be made in relation to a protected energy company, there shall be lodged together with the petition a Statement of the Proposed Energy Administrator.

(2) In this Part, references to a Statement of the Proposed Energy Administrator are to a statement by each of the persons proposed to be energy administrator of a protected energy company, in the form required by Form EA1(S) stating—

- (a) that he consents to accept appointment as energy administrator of that protected energy company; and
- (b) details of any prior professional relationship that he has had with that company.

(3) Where an application is made by GEMA, it shall also state that it is made with the consent of the Secretary of State.

Service of petition

5.—(1) In addition to those persons referred to in section 156(2)(a) to (c) of the 2004 Act, notice of a petition shall be given by the petitioner in Form EA2(S) to—

- (a) an administrative receiver, if appointed;
- (b) if there is pending an administration application under Schedule B1 to the 1986 Act, without the modifications made by Schedule 20 to the 2004 Act, the applicant;
- (c) if a petition for the winding up of the protected energy company has been presented but no order for winding up has yet been made, the petitioner under that petition;
- (d) any creditor who has served notice in accordance with section 164 of the 2004 Act of his intention to enforce his security over property of the protected energy company;
- (e) a provisional liquidator, if appointed;
- (f) the person proposed in the petition to be the energy administrator;
- (g) if the applicant is the Secretary of State, GEMA;
- (h) if the applicant is GEMA, the Secretary of State;
- (i) the protected energy company;
- (j) the registrar of companies;
- (k) the Keeper of the Register of Inhibitions and Adjudications for recording in that register; and

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- (1) the supervisor of a voluntary arrangement under Part I of the 1986 Act, if such has been appointed.
- (2) Notice of the petition shall also be given to the persons upon whom the court orders that the petition be served.

Expenses

6. If the court makes an energy administration order, the expenses of the petitioner, and of any other party whose expenses are allowed by the court, shall be regarded as expenses of the energy administration.

Notice of dismissal of application for an energy administration order

7. If the court dismisses the petition the petitioner shall as soon as reasonably practicable send notice of the court's order dismissing the petition to all those to whom the petition was notified under Rule 5 in Form EA3(S).