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STATUTORY INSTRUMENTS

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**2006 No. 772**

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

**PART 9**

**Prescribed Part**

**Application under section 176A(5) of the 1986 Act to disapply section 176A of the 1986 Act**

- 59.** An application under section 176A(5) of the 1986 Act shall include averments as to—
- (a) the fact that the application arises in the course of an energy administration;
  - (b) the financial position of the protected energy company;
  - (c) the basis of the energy administrator's view that the cost of making a distribution to unsecured creditors would be disproportionate to the benefits; and
  - (d) whether any other insolvency practitioner is acting in relation to the protected energy company and, if so, his address.

**Notice of order under section 176A(5) of the 1986 Act**

- 60.—**(1) Where the court makes an order under section 176A(5) of the 1986 Act the energy administrator shall, as soon as reasonably practicable after the making of the order—
- (a) send to the protected energy company a copy of the order certified by the clerk of court;
  - (b) send to the registrar of companies a copy of the order together with Form EA24(S); and
  - (c) give notice of the order to each creditor of whose claim and address he is aware.
- (2) The court may direct that the requirement of paragraph (1)(c) of this Rule be met by the publication of a notice in a newspaper calculated to come to the attention of the unsecured creditors stating that the court has made an order disapplying the requirement to set aside the prescribed part.