
STATUTORY INSTRUMENTS

2013 No. 1046

The Energy Supply Company Administration Rules 2013

PART 2

Appointment of energy administrator by court

Manner in which service to be effected

10.—(1) Service of the application in accordance with Rule 8 must be effected by the applicant, or the applicant's solicitor, or by a person instructed by the applicant or the applicant's solicitor, not less than 2 business days before the date fixed for the hearing.

(2) Service must be effected as follows—

- (a) on the energy supply company (subject to paragraph (3)), by delivering the documents to its registered office;
- (b) on any other person (subject to paragraph (4)), by delivering the documents to that person's proper address;
- (c) in either case, in such other manner as the court may direct.

(3) If delivery to an energy supply company's registered office is not practicable or if the energy supply company is an unregistered company, service may be effected by delivery to its last known principal place of business in England and Wales.

(4) Subject to paragraph (5), for the purposes of paragraph (2)(b), a person's proper address is any which that person has previously notified as the person's address for service, but if the person has not notified any such address, service may be effected by delivery to the person's usual or last known address.

(5) In the case of a person who—

- (a) is an authorised deposit-taker or a former authorised deposit-taker;
- (b) either—
 - (i) has appointed, or is or may be entitled to appoint, an administrative receiver of the energy supply company; or
 - (ii) is or may be entitled to appoint an administrator of the energy supply company under paragraph 14 of Schedule B1 to the 1986 Act; and
- (c) has not notified an address for service,

the proper address is the address of an office of that person where, to the knowledge of the applicant, the energy supply company maintains a bank account or, where no such office is known to the applicant, the registered office of that person or, if there is no such office, that person's usual or last known address.

(6) In this Rule—

- (a) “authorised deposit-taker” means a person with permission under [F1Part 4A of the Financial Services and Markets Act 2000]^{M1} to accept deposits;

Status: Point in time view as at 19/12/2013.

Changes to legislation: There are currently no known outstanding effects for the The Energy Supply Company Administration Rules 2013, Section 10. (See end of Document for details)

- (b) “former authorised deposit-taker” means a person who—
- (i) is not an authorised deposit-taker,
 - (ii) was formerly—
 - (aa) an authorised institution under the Banking Act 1987 ^{M2}, or a recognised bank or a licensed institution under the Banking Act 1979 ^{M3}; or
 - (bb) a person with permission under Part 4 [^{F2}or Part 4A] of the Financial Services and Markets Act 2000; and
 - (iii) continues to have liability in respect of any deposit for which it had a liability at a time when it was an institution, bank or person mentioned in paragraph (ii).
- (7) Paragraph (6)(a) and (b) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section; and
 - (c) Schedule 22 to that Act.

- F1** Words in rule 10(6)(a) substituted (19.12.2013) by [The Energy Supply Company Administration \(Amendment\) Rules 2013 \(S.I. 2013/2950\)](#), art. 1, [rule 2\(a\)](#)
- F2** Words in rule 10(6)(b)(ii)(bb) inserted (19.12.2013) by [The Energy Supply Company Administration \(Amendment\) Rules 2013 \(S.I. 2013/2950\)](#), art. 1, [rule 2\(b\)](#)

Marginal Citations

- M1** 2000 c. 8.
- M2** 1987 c. 22; repealed by [S.I. 2001/3649](#), [article 3\(1\)\(d\)](#).
- M3** 1979 c. 37; repealed by the [Banking Act 1987 \(c. 22\)](#), section 108, [Schedule 7](#), Part 1.

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