
STATUTORY INSTRUMENTS

2013 No. 1046

The Energy Supply Company Administration Rules 2013

PART 1

Introductory provisions

Citation and commencement

1. These Rules may be cited as the Energy Supply Company Administration Rules 2013 and shall come into force on 7th June 2013.

Construction and interpretation

2.—(1) In these Rules—

“the 1986 Act” means the Insolvency Act 1986;

“the 2004 Act” means the Energy Act 2004;

“the 2011 Act” means the Energy Act 2011;

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

“the Companies Act” means the Companies Act 2006⁽¹⁾;

“CPR” means the Civil Procedure Rules 1998⁽²⁾;

“enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003⁽³⁾;

“GEMA” means the Gas and Electricity Markets Authority;

“insolvency proceedings” has the same meaning as in Rule 13.7 of the Insolvency Rules;

“the Insolvency Rules” means the Insolvency Rules 1986⁽⁴⁾;

“pre-energy supply company administration costs” are—

(a) fees charged, and

(b) expenses incurred,

by the energy administrator, or another person qualified to act as an insolvency practitioner, before the energy supply company entered energy supply company administration but with a view to its doing so;

“proxy”, “the proxy-holder” and “the principal” have the meaning given to them in Rule 133(1);

(1) 2006 c. 46.

(2) S.I. 1998/3132.

(3) 2003 c. 39.

(4) S.I. 1986/1925, as amended by S.I. 1987/1919, 1989/397, 1991/495, 1993/602, 1995/586, 1999/359, 1999/359, 1999/1022, 2001/763, 2002/1307, 2002/2712, 2003/1730, 2004/584, 2004/1070, 2005/527, 2009/642, 2010/686 and 2011/785.

“qualifying floating charge” has the same meaning as in paragraph 14(2) of Schedule B1 to the 1986 Act;

“registrar of companies” means the registrar of companies for England and Wales;

“unpaid pre-energy supply company administration costs” are pre-energy supply company administration costs which had not been paid when the company entered energy supply company administration.

(2) References to 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.

(3) References to provisions of the 2004 Act are, where those provisions have been modified by the 2011 Act, references to those provisions as so modified.

(4) Where the energy supply company is a non-GB company within the meaning of section 102 of the 2011 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.

(5) Where the energy supply company is an unregistered company, any requirement to deliver information to the registrar of companies applies only if the company is subject to a requirement imposed by virtue of section 1043 and 1046(1) of the Companies Act.

(6) Part 16 of these Rules has effect for their interpretation and application.

Application

3. These Rules apply in relation to energy supply companies which the courts in England and Wales have jurisdiction to wind up.