
STATUTORY INSTRUMENTS

2013 No. 1046

The Energy Supply Company Administration Rules 2013

PART 15

Provisions of general effect

CHAPTER 1

The giving of notice and the supply of documents – general

Application

151.—(1) Subject to paragraphs (2) and (3), this Chapter applies where a notice or other document is required to be given, delivered or sent under the 1986 Act or these Rules by any person, including an energy administrator.

(2) This Chapter does not apply to the service of—

- (a) any petition or application to the court;
- (b) any evidence in support of that petition or application; or
- (c) any order of the court.

(3) This Chapter does not apply to the delivery of documents to the registrar of companies.

Personal delivery of documents

152. Personal delivery of a notice or other document is permissible in any case.

Postal delivery of documents

153. Unless in any particular case some other form of delivery is required by the 1986 Act, these Rules or an order of the court, a notice or other document may be sent by post in accordance with the rules for postal service in CPR Part 6 and sending by such means has effect as specified in those rules.

Non-receipt of notice of meeting

154. Where in accordance with the 1986 Act or these Rules, a meeting of creditors or other persons is summoned by notice, the meeting is presumed to have been duly summoned and held, notwithstanding that not all those to whom the notice is to be given have received it.

Notice etc to solicitors

155. Where under the 1986 Act or these Rules a notice or other document is required or authorised to be given, delivered or sent to a person, it may be given, delivered or sent instead to a solicitor authorised to accept delivery on that person's behalf.

Notice of meetings by advertisement only

156.—(1) The court may order that notice of any meeting be given by advertisement and not by individual notice to the persons concerned.

(2) In considering whether to act under this Rule, the court must have regard to the cost of advertisement, the amount of assets available and the extent of the interest of creditors, members or any particular class of either.

CHAPTER 2

The giving of notice and the supply of documents by or to energy administrators etc

Application

157.—(1) Subject to paragraph (2) and (3), this Chapter applies where a notice or other document is to be given, delivered or sent under the 1986 Act or these Rules.

(2) This Chapter does not apply to the delivery of documents to the registrar of companies.

(3) Rules 164 to 167 do not apply to the filing of any notice or other document with the court.

Notice to joint energy administrators

158. Where two or more persons are acting jointly as the energy administrator in energy supply company administration proceedings, delivery of a document to one of them is to be treated as delivery to them all.

The form of notices and other documents

159. Subject to any order of the court, any notice or other document required to be given, delivered or sent must be in writing and where electronic delivery is permitted a notice or other document in electronic form is treated as being in writing if a copy of it is capable of being produced in legible form.

Proof of sending etc

160.—(1) Where in energy supply company administration proceedings a notice or other document is required to be given, delivered or sent by the energy administrator, the giving, delivering or sending of it may be proved by means of a certificate that the notice or other document was duly given, delivered or sent.

(2) The certificate may be given by—

- (a) the energy administrator;
- (b) the energy administrator's solicitor;
- (c) a partner or an employee of either of them.

(3) In the case of a notice or other document to be given, delivered or sent by a person other than the energy administrator, the giving delivering or sending of it may be proved by means of a certificate by that person—

- (a) that the notice or document was given, delivered or sent by that person, or
- (b) that another person (named in the certificate) was instructed to give, deliver or send it.

(4) A certificate under this Rule may be endorsed on a copy or specimen of the notice or document to which it relates.

Authentication

161.—(1) A document or information given, delivered or sent in hard copy form is sufficiently authenticated if it is signed by the person sending or supplying it.

(2) A document or information given, delivered or sent in electronic form is sufficiently authenticated—

- (a) if the identity of the sender is confirmed in a manner specified by the recipient, or
- (b) where no such manner has been specified by the recipient, if the communication contains or is accompanied by a statement of the identity of the sender and the recipient has no reason to doubt the truth of that statement.

Electronic delivery in energy supply company administration proceedings – general

162.—(1) Unless in any particular case some other form of delivery is required by the 1986 Act, these Rules or an order of the court and subject to paragraph (3), a notice or other document may be given, delivered or sent by electronic means provided that the intended recipient of the notice or other document has—

- (a) consented (whether in the specific case or generally) to electronic delivery (and has not revoked that consent); and
- (b) provided an electronic address for delivery.

(2) In the absence of evidence to the contrary, a notice or other document is presumed to have been delivered where—

- (a) the sender can produce a copy of the electronic message which—
 - (i) contained the notice or other document, or to which the notice or other document was attached, and
 - (ii) shows the time and date the message was sent; and
- (b) that electronic message contains the address supplied under paragraph (1)(b).

(3) A message sent electronically is deemed to have been delivered to the recipient no later than 9.00 am on the next business day after it was sent.

Electronic delivery by energy administrators

163.—(1) Where an energy administrator gives, sends or delivers a notice or other document to any person by electronic means, the notice or document must contain or be accompanied by a statement that the recipient may request a hard copy of the notice or document and specifying a telephone number, e-mail address and postal address which may be used to request a hard copy.

(2) Where a hard copy of the notice or other document is requested, it must be sent within 5 business days of receipt of the request by the energy administrator.

(3) An energy administrator must not require a person making a request under paragraph (2) to pay a fee for the supply of the document.

Use of websites by energy administrator

164.—(1) This Rule applies for the purposes of section 246B of the 1986 Act.

(2) An energy administrator required to give, deliver or send a document to any person may (other than in a case where personal service is required) satisfy that requirement by sending that person a notice—

- (a) stating that the document is available for viewing and downloading on a website;

- (b) specifying the address of that website together with any password necessary to view and download the document from that site; and
 - (c) containing a statement that the person to whom the notice is given, delivered or sent may request a hard copy of the document and specifying a telephone number, e-mail address and postal address which may be used to request a hard copy.
- (3) Where a notice to which this Rule applies is sent, the document to which it relates must—
- (a) be available on the website for a period of not less than 3 months after the date on which the notice is sent; and
 - (b) must be in such a format as to enable it to be downloaded from the website within a reasonable time of an electronic request being made for it to be downloaded.
- (4) Where a hard copy of the document is requested it must be sent within 5 business days of the receipt of the request by the energy administrator.
- (5) An energy administrator must not require a person making a request under paragraph (4) to pay a fee for the supply of the document.
- (6) Where a document is given, delivered or sent to a person by means of a website in accordance with this Rule, it is deemed to have been delivered—
- (a) when the document was first made available on the website, or
 - (b) if later, when the notice under paragraph (2) was delivered to that person.

Special provision on account of expense as to website use

165.—(1) Where the court is satisfied that the expense of sending notices in accordance with Rule 164 would, on account of the number of persons entitled to receive them, be disproportionate to the benefit of sending notice in accordance with that Rule, it may order that the requirement to give, deliver or send a relevant document to any person may (other than in a case where personal service is required) be satisfied by the energy administrator sending each of those persons a notice—

- (a) stating that all relevant documents will be made available for viewing and downloading on a website;
 - (b) specifying the address of that website together with any password necessary to view and download a relevant document from that site; and
 - (c) containing a statement that the person to whom the notice is given, delivered or sent may at any time request that hard copies of all, or specific, relevant documents are sent to that person, and specifying a telephone number, e-mail address and postal address which may be used to make that request.
- (2) A document to which this Rule relates must—
- (a) be available on the website for a period of not less than 12 months from the date when it was first made available on the website or, if later, from the date upon which the notice was sent, and
 - (b) must be in such a format as to enable it to be downloaded from the website within a reasonable time of an electronic request being made for it to be downloaded.
- (3) Where hard copies of relevant documents have been requested, they must be sent by the energy administrator—
- (a) within 5 business days of the receipt of the energy administrator of the request to be sent hard copies, in the case of relevant documents first appearing on the website before the request was received, or
 - (b) within 5 business days from the date a relevant document first appears on the website, in all other cases.

(4) An energy administrator must not require a person making a request under paragraph (3) to pay a fee for the supply of the document.

(5) Where a relevant document is given, delivered or sent to a person by means of a website in accordance with this Rule, it is deemed to have been delivered—

- (a) when the relevant document was first made available on the website, or
- (b) if later, when the notice under paragraph (1) was delivered to that person.

(6) In this Rule a relevant document means any document which the energy administrator is first required to give, deliver or send to any person after the court has made an order under paragraph (1).

Electronic delivery of energy supply company administration proceedings to courts

166.—(1) Except where paragraph (2) applies or the requirements of paragraph (3) are met, no petition, application, notice or other document may be delivered or made to a court by electronic means.

(2) This paragraph applies where electronic delivery of documents to a court is permitted by another Rule.

(3) The requirements of this paragraph are—

- (a) the court provides an electronic working scheme for the proceedings to which the document relates; and
- (b) the electronic communication is—
 - (i) delivered and authenticated in a form which complies with the requirements of the scheme;
 - (ii) sent to the electronic address provided by the court for electronic delivery of those proceedings; and
 - (iii) accompanied by any payment due to the court in respect of those proceedings made in a manner which complies with the requirements of the scheme.

(4) In this Rule “an electronic working scheme” means a scheme permitting energy supply company administration proceedings to be delivered electronically to the court set out in a practice direction.

(5) Under paragraph (3) an electronic communication is to be treated as delivered to the court at the time it is recorded by the court as having been received.

CHAPTER 3

Service of court documents

Application

167.—(1) Subject to paragraph (2), this Chapter applies in relation to the service of—

- (a) petitions,
- (b) applications,
- (c) documents relating to petitions or applications, and
- (d) court orders,

which are required to be served by any provision of the 1986 Act or these Rules (“court documents”).

(2) For the purposes of the application by this Chapter of CPR Part 6 to the service of documents in energy supply company administration proceedings—

- (a) an application commencing energy supply company administration proceedings, or

(b) an application within energy supply company administration proceedings against a respondent,
is to be treated as a claim form.

Application of CPR Part 6 to service of court documents within the jurisdiction

168. Except where different provision is made in these Rules, CPR Part 6 applies in relation to the service of court documents within the jurisdiction with such modifications as the court may direct.

Service of orders staying proceedings

169.—(1) This Rule applies where the court makes an order staying any action, execution or other legal process against the property of the energy supply company.

(2) Service within the jurisdiction of such an order as is mentioned in paragraph (1) may be effected by sending a sealed copy of the order to the address for service of the claimant or other party having the carriage of the proceedings to be stayed.

Service on joint energy administrators

170. Where there are joint energy administrators in energy supply company administration proceedings, service on one of them is to be treated as service on all of them.

Application of CPR Part 6 to service of court documents outside the jurisdiction

171. CPR Part 6 applies to the service of court documents outside the jurisdiction with such modifications as the court may direct.

CHAPTER 4

Meetings

Quorum at meeting of creditors

172.—(1) Any meeting of creditors in energy supply company administration proceedings is competent to act if a quorum is present.

(2) Subject to the next paragraph, a quorum is at least one creditor entitled to vote.

(3) For the purposes of this Rule, the reference to the creditor necessary to constitute a quorum is to those persons present or represented by proxy by any person (including the chair) and in the case of any proceedings under Parts 1 to 7 of the 1986 Act includes corporations duly represented.

(4) Where at any meeting of creditors—

(a) the provisions of this Rule as to a quorum being present are satisfied by the attendance of—

(i) the chair alone, or

(ii) one other person in addition to the chair, and

(b) the chair is aware, by virtue of proofs and proxies received or otherwise, that one or more additional persons would, if attending, be entitled to vote,

the meeting must not commence until at least the expiry of 15 minutes after the time appointed for its commencement.

Remote attendance at meetings of creditors

173.—(1) This Rule applies to a request to the convener of a meeting under section 246A(9) of the 1986 Act to specify a place for the meeting.

(2) The request must be accompanied by—

- (a) in the case of a request by creditors, a list of the creditors making or concurring with the request and the amounts of their respective debts in the energy supply company administration proceedings in question,
- (b) in the case of a request by members, a list of the members making or concurring with the request and their voting rights, and
- (c) from each person concurring, written confirmation of that person's concurrence.

(3) The request must be made within 7 business days of the date on which the convener sent the notice of the meeting in question.

(4) Where the convener considers that the request has been properly made in accordance with the 1986 Act and this Rule, the convener must—

- (a) give notice to all those previously given notice of the meeting—
 - (i) that it is to be held at a specified place, and
 - (ii) as to whether the date and time are to remain the same or not;
- (b) set a venue (including specification of a place) for the meeting, the date of which must be not later than 28 days after the original date for the meeting; and
- (c) give at least 14 days' notice of that venue to all those previously given notice of the meeting;

and the notices required by sub-paragraphs (a) and (c) may be given at the same or different times.

(5) Where the convener has specified a place for the meeting in response to a request to which this Rule applies, the chair of the meeting must attend the meeting by being present in person at that place.

Action where person excluded

174.—(1) In this Rule and Rules 175 and 176 an “excluded person” means a person who—

- (a) has taken all steps necessary to attend a meeting under the arrangements put in place to do so by the convener of the meeting under section 246A(6) of the 1986 Act; and
- (b) those arrangements do not permit that person to attend the whole or part of that meeting.

(2) Where the chair becomes aware during the course of the meeting that there is an excluded person, the chair may—

- (a) continue the meeting;
- (b) declare the meeting void and convene the meeting again;
- (c) declare the meeting valid up to the point where the person was excluded and adjourn the meeting.

(3) Where the chair continues the meeting, the meeting is valid unless—

- (a) the chair decides in consequence of a complaint under Rule 176 to declare the meeting void and hold the meeting again; or
- (b) the court directs otherwise.

(4) Without prejudice to paragraph (2), where the chair becomes aware during the course of the meeting that there is an excluded person, the chair may, in the chair's discretion and without an adjournment, declare the meeting suspended for any period up to 1 hour.

Indication to excluded person

175.—(1) A person who claims to be an excluded person may request an indication of what occurred during the period of that person's claimed exclusion (an "indication").

(2) A request under paragraph (1) must be made as soon as reasonably practicable and, in any event, no later than 4.00 pm on the business day following the day on which the exclusion is claimed to have occurred.

(3) A request under paragraph (1) must be made to—

- (a) the chair, where it is made during the course of the business of the meeting; or
- (b) the energy administrator where it is made after the conclusion of the business of the meeting.

(4) Where satisfied that the person making the request is an excluded person, the person to whom the request is made under paragraph (3) must give the indication as soon as reasonably practicable and, in any event, no later than 4.00 pm on the business day following the day on which the request was made under paragraph (1).

Complaint

176.—(1) Any person who—

- (a) is, or claims to be, an excluded person; or
- (b) attends the meeting (in person or by proxy) and considers that they have been adversely affected by a person's actual, apparent or claimed exclusion,

("the complainant") may make a complaint.

(2) The person to whom the complaint must be made ("the relevant person") is—

- (a) the chair, where it is made during the course of the meeting; or
- (b) the energy administrator, where it is made after the meeting.

(3) The relevant person must—

- (a) consider whether there is an excluded person; and
- (b) where satisfied that there is an excluded person, consider the complaint; and
- (c) where satisfied that there has been prejudice, take such action as the relevant person considers fit to remedy the situation.

(4) Paragraph (5) applies where—

- (a) the relevant person is satisfied that the complainant is an excluded person;
- (b) during the period of the person's exclusion a resolution was put to the meeting and voted on; and
- (c) the excluded person asserts how the excluded person intended to vote on the resolution.

(5) Subject to paragraph (6), where satisfied that the effect of the intended vote in paragraph (4), if cast, would have changed the result of the resolution, the relevant person must—

- (a) count the intended vote as being cast in accordance with the complainant's stated intention;
- (b) amend the record of the result of the resolution; and
- (c) where those entitled to attend the meeting have been notified of the result of the resolution, notify them of the change.

(6) Where satisfied that more than one complainant in paragraph (4) is an excluded person, the relevant person must have regard to the combined effect of the intended votes.

(7) The relevant person must notify the complainant in writing of any decision.

(8) A complaint must be made as soon as reasonably practicable and, in any event, no later than 4.00 pm on the business day following—

- (a) the day on which the person was, appeared or claimed to be excluded; or
- (b) where an indication is sought under Rule 175, the day on which the complainant received the indication.

(9) A complainant who is not satisfied by the action of the relevant person may apply to the court for directions and any application must be made no more than 2 business days from the date of receiving the decision of the relevant person.

CHAPTER 5

Forms

Forms for use in energy supply company administration proceedings

177.—(1) Subject to Rules 178 and 179, the forms contained in Schedule 1 to these Rules must be used in energy supply company administration proceedings as provided for in specific Rules.

(2) The forms must be used with such variations, if any, as the circumstances may require.

(3) The Secretary of State or the energy administrator may incorporate a barcode or other reference or recognition mark into any form in Schedule 1 to these Rules a copy of which is received by any of them or is sent to any person by any of them.

Electronic submission of information instead of submission of forms to the Secretary of State, energy administrators

178.—(1) This Rule applies in any case where information in a prescribed form is required by these Rules to be sent by any person to the Secretary of State or the energy administrator, or a copy of a prescribed form is to be sent to the registrar of companies.

(2) A requirement of the kind mentioned in paragraph (1) is treated as having been satisfied where—

- (a) the information is submitted electronically with the agreement of the person to whom the information is sent;
- (b) the form in which the electronic submission is made satisfies the requirements of the person to whom the information is sent (which may include a requirement that the information supplied can be reproduced in the format of the prescribed form);
- (c) all the information required to be given in the prescribed form is provided in the electronic submission; and
- (d) the person to whom the information is sent can provide in legible form the information so submitted.

(3) Where information in a prescribed form is permitted to be sent electronically under paragraph (2), any requirement in the prescribed form that the prescribed form be accompanied by a signature is taken to be satisfied—

- (a) if the identity of the person who is supplying the information in the prescribed form and whose signature is required is confirmed in a manner specified by the recipient, or
- (b) where no such manner has been specified by the recipient, if the communication contains or is accompanied by a statement of the identity of the person who is providing the information in the prescribed form, and the recipient has no reason to doubt the truth of that statement.

(4) Where information required in a prescribed form has been supplied to a person, whether or not it has been supplied electronically in accordance with paragraph (2), and a copy of that information is required to be supplied to another person falling within paragraph (1), the requirements contained in paragraph (2) apply in respect of the supply of the copy to that other person, as they apply in respect of the original.

Electronic submission of information instead of submission of forms in all other cases

179.—(1) Subject to paragraph (5), this Rule applies in any case where Rule 178 does not apply, where information in a prescribed form is required by these Rules to be sent by any person.

(2) A requirement of the kind mentioned in paragraph (1) is treated as having been satisfied where—

- (a) the person to whom the information is sent has agreed—
 - (i) to receiving the information electronically and to the form in which it is to be sent; and
 - (ii) to the manner in which paragraph (3) is to be satisfied (“the specified manner”);
- (b) all the information required to be given in the prescribed form is provided in the electronic submission; and
- (c) the person to whom the information is sent can provide in legible form the information so submitted.

(3) Any requirement in a prescribed form that it be accompanied by a signature is taken to be satisfied if the identity of the person who is supplying the information and whose signature is required, is confirmed in the specified manner.

(4) Where information required in prescribed form has been supplied to a person, whether or not it has been supplied electronically in accordance with paragraph (2), and a copy of that information is required to be supplied to another person falling within paragraph (1), the requirements contained in paragraph (2) apply in respect of the supply of the copy to that other person, as they apply in respect of the original.

CHAPTER 6

Gazette notices

Contents of notices to be gazetted under the 1986 Act or these Rules

180.—(1) Where under the 1986 Act or these Rules a notice is gazetted, in addition to any content specifically required by the 1986 Act or any other provision of these Rules, the content of such a notice must be as set out in this Chapter.

(2) All notices published must specify insofar as it is applicable in relation to the particular notice—

- (a) the name and postal address of the energy administrator acting in the proceedings;
- (b) the capacity in which the energy administrator is acting and the date of appointment;
- (c) either an e-mail address, or a telephone number, through which the energy administrator may be contacted;
- (d) the name of any person other than the energy administrator (if any) who may be contacted regarding the proceedings;
- (e) the number assigned to the energy administrator by the Secretary of State;
- (f) the court name and any number assigned to the proceedings by the court;
- (g) the registered name of the energy supply company;

- (h) the energy supply company's registered number;
- (i) the energy supply company's registered office, or if an unregistered company, the postal address of its principal place of business;
- (j) any principal trading address of the energy supply company if this is different from its registered office;
- (k) any name under which the energy supply company was registered in the 12 months prior to the date of the commencement of the proceedings which are the subject of the Gazette notice; and
- (l) any name or style (other than the energy supply company's registered name) under which—
 - (i) the energy supply company carried on business; and
 - (ii) any debt owed to a creditor was incurred.

Omission of unobtainable information

181. Information required under this Chapter to be included in a notice to be gazetted may be omitted if it is not reasonably practicable to obtain it.

The Gazette – general

182.—(1) A copy of the Gazette containing any notice required by the 1986 Act or these Rules to be gazetted is evidence of any facts stated in the notice.

(2) In the case of an order of the court notice of which is required by the 1986 Act or these Rules to be gazetted, a copy of the Gazette containing the notice may in any proceedings be produced as conclusive evidence that the order was made on the date specified in the notice.

(3) Where an order of the court which is gazetted has been varied, and where any matter has been erroneously or inaccurately gazetted, the person whose responsibility it was to procure the requisite entry in the Gazette must as soon as reasonably practicable cause the variation of the order to be gazetted or a further entry to be made in the Gazette for the purpose of correcting the error or inaccuracy.

CHAPTER 7

Notice advertised otherwise than in the Gazette

Notices otherwise advertised under the 1986 Act or these Rules

183.—(1) Where under the 1986 Act or these Rules a notice may be advertised otherwise than in the Gazette, in addition to any content specifically required by the 1986 Act or any other provision of these Rules, the content of such a notice must be as set out in this Chapter.

(2) All notices published must specify insofar as it is applicable in relation to the particular notice—

- (a) the name and postal address of the energy administrator acting in the proceedings to which the notice relates;
- (b) the capacity in which the energy administrator is acting;
- (c) either an e-mail address, or a telephone number, through which the energy administrator may be contacted;
- (d) the registered name of the energy supply company;
- (e) the energy supply company's registered number;

- (f) any name under which the energy supply company was registered in the 12 months prior to the date of the commencement of the proceedings which are the subject of the notice; and
- (g) any name or style (other than the energy supply company's registered name) under which—
 - (i) the energy supply company carried on business; and
 - (ii) any debt owed to a creditor was incurred.

Non-Gazette notices – other provisions

184.—(1) The information required to be contained in a notice to which this Chapter applies must be included in the advertisement of that notice in a manner that is reasonably likely to ensure, in relation to the form of the advertising used, that a person reading, hearing or seeing the advertisement, will be able to read, hear or see that information.

(2) Information required under this Chapter to be included in a notice may be omitted if it is not reasonably practicable to obtain it.

CHAPTER 8

Notifications to the registrar of companies

Application of this Chapter

185. This Chapter applies where under the 1986 Act or these Rules information is to be delivered to the registrar of companies.

Information to be contained in all notifications to the registrar

186. Where under the 1986 Act or these Rules a return, notice or any other document or information is to be delivered to the registrar of companies, that notification must—

- (a) specify—
 - (i) the registered name of the energy supply company;
 - (ii) its registered number;
 - (iii) the nature of the notification;
 - (iv) the provision of the 1986 Act or the Rule under which the notification is made;
 - (v) the date of the notification;
 - (vi) the name and postal address of the person making the notification;
 - (vii) the capacity in which that person is acting in respect of the energy supply company; and
- (b) be authenticated by the person making the notification.

Notifications relating to the office of energy administrators

187. In addition to the information required by Rule 186, a notification relating to the office of the energy administrator must also specify—

- (a) the name of the energy administrator;
- (b) the date of the event notified;
- (c) where the notification relates to an appointment, the person, body or court making the appointment;

- (d) where the notification relates to the termination of an appointment, the reason for that termination (for example, resignation); and
- (e) the postal address of the energy administrator.

Notification relating to documents

188. In addition to the information required by Rule 186, a notification relating to a document (for example, a statement of affairs) must also specify—

- (a) the nature of the document; and
- (b) either—
 - (i) the date of the document; or
 - (ii) where the document relates to a period of time (for example a report) the period of time to which the document relates.

Notifications relating to court orders

189. In addition to the information required by Rule 186, a notification relating to a court order must also specify—

- (a) the nature of the court order; and
- (b) the date of the order.

Returns or reports of meetings

190. In addition to the information required by Rule 186, the notification of a return or a report of a meeting must specify—

- (a) the purpose of the meeting including the provision of the 1986 Act or the Rule under which it was convened;
- (b) the venue fixed for the meeting;
- (c) whether a required quorum was present for the meeting to take place; and
- (d) if the meeting took place, the outcome of the meeting (including any resolutions passed at the meeting).

Notifications relating to other events

191. In addition to the information required by Rule 186, a notification relating to any other event must specify—

- (a) the nature of the event including the provision of the 1986 Act or Rule under which it took place; and
- (b) the date the event occurred.

Notifications of more than one nature

192. A notification which includes a notification of more than one nature must satisfy the requirements applying in respect of each of those notifications.

Notifications made to other persons at the same time

193.—(1) Where under the 1986 Act or these Rules a notice or other document is to be sent to another person at the same time that it is to be delivered to the registrar of companies, that requirement may be satisfied by sending to that other person a copy of the notification to the registrar.

(2) Paragraph (1) does not apply—

- (a) where a form is prescribed for the notification to the other person; or
- (b) where the notification to the registrar of companies is incomplete.

CHAPTER 9

Inspection of documents and the provision of information

Confidentiality of documents – grounds for refusing inspection

194.—(1) Where in energy supply company administration proceedings the energy administrator considers that a document forming part of the records of those proceedings—

- (a) should be treated as confidential; or
- (b) is of such a nature that its disclosure would be prejudicial to the conduct of the proceedings or might reasonably be expected to lead to violence against any person,

the energy administrator may decline to allow it to be inspected by a person who would otherwise be entitled to inspect it.

(2) Where under this Rule the energy administrator determines to refuse inspection of a document, the person wishing to inspect it may apply to the court for that determination to be overruled and the court may either overrule it altogether or sustain it subject to such conditions (if any) as it thinks just.

Right to copy documents

195. Where the 1986 Act or these Rules confer a right for any person to inspect documents, the right includes that of taking copies of those documents, on payment—

- (a) in the case of documents on the court's file of proceedings, of the fee chargeable under any order made under section 92 of the Courts Act 2003 ^{M1}; and
- (b) in any other case, of the appropriate fee.

Marginal Citations

M1 2003 c. 39, as amended by the [Constitutional Reform Act 2005 \(c. 4\)](#).

Charges for copy documents

196. Except where prohibited by these Rules, the energy administrator is entitled to require the payment of the appropriate fee for the supply of documents requested by a creditor or member.

Right to have list of creditors

197.—(1) A creditor has the right to require the energy administrator to provide a list of the creditors and the amounts of their respective debts unless paragraph (4) applies.

(2) The energy administrator on being required to furnish the list under paragraph (1)—

- (a) as soon as reasonably practicable must send it to the person requiring the list to be furnished; and

(b) may charge the appropriate fee for doing so.

(3) The name and address of any creditor may be omitted from the list furnished under paragraph (2) where the energy administrator is of the view that its disclosure would be prejudicial to the conduct of the proceedings or might reasonably be expected to lead to violence against any person provided that—

(a) the amount of the debt in question is shown in the list; and

(b) a statement is included in the list that the name and address of the creditor has been omitted in respect of that debt.

(4) Paragraph (1) does not apply where a statement of affairs has been delivered to the registrar of companies.

CHAPTER 10

Computation of time and time limits

Time limits

198.—(1) The provisions of CPR rule 2.8 (time) apply, as regards computation of time, to anything required or authorised to be done under these Rules.

(2) The provisions of CPR rule 3.1(2)(a) (the court's general powers of management) apply so as to enable the court to extend or shorten the time for compliance with anything required or authorised to be done by these Rules.

CHAPTER 11

Security

Energy administrator's security

199.—(1) Wherever under these Rules any person has to appoint a person to the office of energy administrator that person must, before making the appointment, be satisfied that the person appointed or to be appointed has security for the proper performance of the office of energy administrator.

(2) In any energy supply company administration proceedings the cost of the energy administrator's security shall be defrayed as an expense of the energy supply company administration.

CHAPTER 12

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

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

200.—(1) Where the court makes an order under section 176A(5) of the 1986 Act, it must as soon as reasonably practicable send two sealed copies of the order to the energy administrator.

(2) Where the court has made an order under section 176A(5) of the 1986 Act, the energy administrator must, as soon as is reasonably practicable give notice to each creditor of whose address and claim the energy administrator is aware.

(3) Paragraph (2) does not apply where the court directs otherwise.

(4) The court may direct that the requirement in paragraph (2) is complied with if a notice has been published by the energy administrator which, in addition to containing the standard contents, states that the court has made an order disapplying the requirement to set aside the prescribed part.

(5) As soon as reasonably practicable a notice under paragraph (4)—

- (a) must be gazetted; and
 - (b) may be advertised in such other manner as the energy administrator thinks fit.
- (6) The energy administrator must deliver a copy of the order to the registrar of companies as soon as reasonably practicable after the making of the order.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Supply Company Administration Rules 2013, PART 15.