
STATUTORY INSTRUMENTS

2013 No. 1046

The Energy Supply Company Administration Rules 2013

PART 16

Interpretation and application

Introductory

201. This Part of these Rules has effect for their interpretation and application.

“The court”; “the registrar”

202.—(1) In energy supply company administration proceedings, anything to be done by, to or before the court may be done by, to or before a judge, district judge or the registrar.

(2) The registrar or district judge may authorise any act of a formal or administrative character which is not by statute the registrar’s or district judge’s responsibility to be carried out by the chief clerk or any other officer of the court acting on the registrar’s or district judge’s behalf, in accordance with directions given by the Lord Chancellor.

(3) In energy supply company administration proceedings, “the registrar” means a Registrar in Bankruptcy of the High Court.

“Energy supply company administration proceedings”

203. “Energy supply company administration proceedings” means any proceedings under sections 154 to 171 of, and Schedules 20 and 21 to, the 2004 Act or these Rules.

“The appropriate fee”

204. “The appropriate fee” means 15 pence per A4 or A5 page and 30 pence per A3 page.

“Debt”, “liability”

205.—(1) “Debt”, in relation to the energy supply company administration of an energy supply company, means (subject to the next paragraph) any of the following—

- (a) any debt or liability to which the energy supply company is subject at the date on which it goes into energy supply company administration;
- (b) any debt or liability to which the energy supply company may become subject after that date by reason of any obligation incurred before that date; and
- (c) any interest provable as mentioned in Rule 57(1).

(2) For the purpose of any provision of the 1986 Act, section 154 to 171 of and Schedule 20 and 21 to the 2004 Act, section 93 to 102 of the 2011 Act, or these Rules about energy supply company administration, any liability in tort is a debt provable in the energy supply company administration if either—

- (a) the cause of action has accrued at the date on which the energy supply company entered energy supply company administration; or
- (b) all the elements necessary to establish the cause of action exist at that date except for actionable damage.

(3) For the purposes of references in any provision of the 1986 Act, section 154 to 171 of and Schedules 20 and 21 to the 2004 Act, or these Rules, to a debt or liability, it is immaterial whether the amount is fixed or liquidated, or is capable of being ascertained by fixed rules or as a matter of opinion; and references in any such provision to owing a debt are to be read accordingly.

(4) In any provision of the 1986 Act, section 154 to 171 of and Schedule 20 and 21 to the 2004 Act, or these Rules, except in so far as the context otherwise requires, “liability” means (subject to paragraph (3) above) a liability to pay money or money’s worth, including any liability under an enactment, any liability for breach of trust, any liability in contract, tort or bailment, and any liability arising out of an obligation to make restitution.

“Venue”

206. References to the “venue” for any proceeding or attendance before the court, or for a meeting, are to the time, date and place for the proceeding, attendance or meeting or to the time and date for a meeting which is held in accordance with section 246A of the 1986 Act without any place being specified for it.

Expressions used generally

207.—(1) In these Rules expressions defined in section 102 of the 2011 Act have the meanings given to them in that section.

(2) A reference in these Rules to a numbered form is to the form so numbered in Schedule 1 to these Rules.

(3) In these Rules—

“Business day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in any part of Great Britain under or by virtue of the Banking and Financial Dealings Act 1971(1);

a “certificate of service” means a certificate of service verified by a statement of truth;

“costs officer” has the meaning given to it in CPR Part 43;

“File in court” means deliver to the court for filing;

“The Gazette” means the London Gazette;

“Gazetted” means advertised once in the Gazette;

“Practice direction” means a direction as to the practice and procedure of any court within the scope of the CPR;

“Prescribed part” has the same meaning as it does in section 176A(2) of the 1986 Act and the Insolvency Act 1986 (Prescribed Part) Order 2003(2);

“Standard contents” means—

(a) in relation to a notice to be gazetted, the contents specified in Rule 180; and

(b) in relation to a notice to be advertised in any other way, the contents specified in Rule 183;

a “statement of truth” means a statement of truth in accordance with CPR Part 22;

(1) 1971 c. 80.

(2) S.I. 2003/2097.

a “witness statement” means a witness statement verified by a statement of truth in accordance with CPR Part 22.

Application

208. These Rules apply to energy supply company administration proceedings commenced on or after the date on which these Rules come into force. Nothing contained in the Insolvency Rules shall apply to such proceedings commenced on or after that date.