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STATUTORY INSTRUMENTS

2013 No. 2950

INSOLVENCY, ENGLAND AND WALES

COMPANIES

**The Energy Supply Company Administration (Amendment)
Rules 2013**

<i>Made</i> - - - -	<i>14th November 2013</i>
<i>Laid before Parliament</i>	<i>25th November 2013</i>
<i>Coming into force</i> - -	<i>19th December 2013</i>

The Lord Chancellor, in exercise of the powers conferred by section 411 of the Insolvency Act 1986(a) and section 159(3) of the Energy Act 2004(b) as applied by section 96 of the Energy Act 2011(c), with the concurrence of the Secretary of State, and after consulting the committee existing for that purpose under section 413 of the Insolvency Act 1986, makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Energy Supply Company Administration (Amendment) Rules 2013 and shall come into force on 19th December 2013.

Amendment of the Energy Supply Company Administration Rules 2013

2. In rule 10 of the Energy Supply Company Administration Rules 2013(d) (manner in which service to be effected)—

- (a) in paragraph (6)(a) for “Part 4 of the Financial Services and Markets Act 2000(e)” substitute “Part 4A of the Financial Services and Markets Act 2000(f)”; and

(a) 1986 c. 45, as amended by the Enterprise Act 2002 (c. 40). Section 411 was amended by the Insolvency Act 1986 (Amendment) Regulations 2002 (S.I. 2002/1037). Section 411(3) was amended by the Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), Schedule 4, Part 3, paragraph 44. There are other amending Acts and instruments but none is relevant.

(b) 2004 c. 20, section 159(3) was amended by the Energy Act 2011 (c. 16), section 97.

(c) 2011 c. 16.

(d) S.I. 2013/1046.

(e) 2000 c. 8.

(f) 2000 c. 8; Part 4A was substituted for Part 4 by section 11(2) of the Financial Services Act 2012 (c. 21).

(b) in paragraph (6)(b)(ii)(bb) after “Part 4” insert “or Part 4A”.

Signed, by the authority of the Lord Chancellor

14th November 2013

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

I concur, on behalf of the Secretary of State

14th November 2013

Michael Fallon
Minister of State
Department of Energy and Climate Change

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Energy Supply Company Administration Rules 2013 (S.I. 2013/1046), which set out the procedure for the conduct of energy supply company administration proceedings in England and Wales. Energy supply company administration is a special insolvency regime specifically created for the companies that supply gas and electricity in Great Britain.

Rule 10 of the Energy Supply Company Administration Rules 2013 sets out the manner in which service of an application for an energy supply company administration order is to be effected. Paragraph (5) of rule 10 details the manner of service in respect of an “authorised deposit-taker” and a “former authorised deposit taker” which are defined in sub-paragraphs (a) and (b) respectively of paragraph (6). The definition of authorised deposit-taker cross-refers to the Financial Services and Markets Act 2000 (c. 8). Rule 2(a) of these Rules substitutes that cross-reference. It replaces the reference to Part 4 of that Act with a reference to Part 4A. Part 4A was substituted for Part 4 on 1st April 2013. Rule 2(b) of these Rules extends the definition of former authorised deposit-taker to include a person who was at a former time a person with permission under Part 4A and continues to have a liability in respect of any deposit for which it had a liability at that time.

A full impact assessment of the effect that the Energy Supply Company Administration Rules 2013 will have on the costs of business is available from the Department of Energy and Climate Change, 3 Whitehall Place, London SW1A 2AW. A copy has been placed in the library of each House of Parliament.

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