



2011 CHAPTER 6

PART 2

SPECIAL ADMINISTRATION REGIME  
FOR PROTECTED ENERGY COMPANIES

*Restrictions on other insolvency procedures*

**Restrictions on administrator appointments by creditors etc.**

26.—(1) No step is to be taken by any person to make an appointment in relation to a company under paragraph 15 or 23 of Schedule B1 to the Insolvency Order (powers of holder of floating charge and of the company itself and of its directors to appoint administrators) if—

- (a) an energy administration order is in force in relation to the company;
- (b) an energy administration order has been made in relation to the company but is not yet in force; or
- (c) an application for such an order is outstanding.

(2) In the case of a protected energy company to which subsection (1) does not apply, an appointment in relation to that company under paragraph 15 or 23 of Schedule B1 to the Insolvency Order takes effect only if each of the conditions mentioned in subsection (3) is met.

(3) Those conditions are—

- (a) that a copy of every document in relation to the appointment that is filed or lodged with the High Court in accordance with paragraph 19 or 30 of Schedule B1 to the Insolvency Order (documents to be filed or lodged for

appointment of administrator) has been served both on the Department and on the Authority;

- (b) that a period of 14 days has elapsed since the service of the last of those copies to be served;
- (c) that there is no outstanding application to the High Court for an energy administration order in relation to the company in question; and
- (d) that the making of an application for such an order has not resulted in the making of an energy administration order which is in force or is still to come into force.

(4) Paragraph 45 of Schedule B1 to the Insolvency Order (interim moratorium) does not prevent, or require the permission of the High Court for, the making of an application for an energy administration order at any time before the appointment takes effect.