



Energy Act 2004

2004 CHAPTER 20

PART 3

ENERGY REGULATION

CHAPTER 3

SPECIAL ADMINISTRATION REGIME FOR ENERGY LICENSEES

Restrictions on other insolvency procedures

163 Restrictions on administrator appointments by creditors etc.

- (1) No step is to be taken by any person to make an appointment in relation to a company under paragraph 14 or 22 of Schedule B1 to the 1986 Act (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 14 or 22 of Schedule B1 to the 1986 Act 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 court in accordance with paragraph 18 or 29 of Schedule B1 to the 1986 Act (documents to be filed or lodged for appointment of administrator) has been served both on the Secretary of State and on GEMA;

Changes to legislation: Energy Act 2004, Section 163 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) that a period of fourteen days has elapsed since the service of the last of those copies to be served;
 - (c) that there is no outstanding application to the 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 44 of Schedule B1 to the 1986 Act (interim moratorium) does not prevent, or require the permission of the court for, the making of an application for an energy administration order at any time before the appointment takes effect.

Modifications etc. (not altering text)

- C1 Pt. 3 Ch. 3: power to modify conferred (31.3.2022 for specified purposes, 1.6.2022 in so far as not already in force) by [Nuclear Energy \(Financing\) Act 2022 \(c. 15\)](#), **ss. 38**, 44(1)(c)(2)(c)
- C2 Pt. 3 Ch. 3 power to apply and modify conferred (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 48**, 334(3)(a)
- C3 Ss. 154-171 modified (1.10.2005) by [Energy Administration Rules 2005 \(S.I. 2005/2483\)](#), **rules 1**, **184** (with **rules 3**, 187)
- C4 Ss. 156-167 applied (with modifications) (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), **ss. 96(1)-(4)**, 121(3)
- C5 Ss. 154-171 modified (7.6.2013) by [The Energy Supply Company Administration Rules 2013 \(S.I. 2013/1046\)](#), **rules 1**, **205(2)-(4)** (with **rules 3**, 208)
- C6 Ss. 156-167 applied (with modifications) (23.7.2018) by [Smart Meters Act 2018 \(c. 14\)](#), **ss. 4(1)-(4)**, 14(5)
- C7 Ss. 154-171 modified (E.W.) (1.8.2020) by [The Smart Meter Communication Licensee Administration \(England and Wales\) Rules 2020 \(S.I. 2020/629\)](#), **rules 1**, **3(2)-(4)** (with **rule 4(1)**)
- C8 Ss. 156-167 applied (with modifications) (31.3.2022 for specified purposes, 1.6.2022 in so far as not already in force) by [Nuclear Energy \(Financing\) Act 2022 \(c. 15\)](#), **ss. 33(1)-(5)**, 44(1)(c)(2)(c)
- C9 Ss. 156-167 power to apply (with modifications) conferred (26.10.2023) by [Energy Act 2023 \(c. 52\)](#), s. 334(2)(l), **Sch. 18 para. 50**
- C10 Ss. 156-167 applied (with modifications) (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 44**, 334(3)(a)

Commencement Information

- I1 S. 163 in force at 5.10.2004 by [S.I. 2004/2575](#), art. 2(1), **Sch. 1**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)