



Energy Act 2004

2004 CHAPTER 20

PART 3

ENERGY REGULATION

CHAPTER 3

SPECIAL ADMINISTRATION REGIME FOR ENERGY LICENSEES

Supplemental provision of Chapter 3 of Part 3

171 Interpretation of Chapter 3 of Part 3

(1) In this Chapter—

“the 1986 Act” means the Insolvency Act 1986 (c. 45);

“business”, “member”, “property” and “security” have the same meanings as in the 1986 Act;

[^{F1}“company” means—

(a) a company registered under the Companies Act 2006, or

(b) an unregistered company;]

[^{F2}“court”, in relation to a company, means the court—

(a) having jurisdiction to wind up the company, or

(b) that would have such jurisdiction apart from section 221(2) or 441(2) of the Insolvency Act 1986 (exclusion of winding up jurisdiction in case of companies having principal place of business in, or incorporated in, Northern Ireland);]

“energy administration order” has the meaning given by section 154(1);

“energy administration rules” means rules made under section 411 of the 1986 Act by virtue of section 159(3) of this Act;

“energy administrator” has the meaning given by section 154(2) and is to be construed in accordance with subsection (2) of this section;

Changes to legislation: Energy Act 2004, Section 171 is up to date with all changes known to be in force on or before 20 April 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

[^{F3}“non-GB company” means a company incorporated outside Great Britain;]

“objective of the energy administration” is to be construed in accordance with section 155;

“protected energy company” has the meaning given by section 154(5);

“relevant licence” has the meaning given by section 154(5);

[^{F4}“unregistered company” means a company that is not registered under the Companies Act 2006.]

- (2) In this Chapter references to the energy administrator of a company—
- (a) include references to a person appointed under paragraph 91 or 103 of Schedule B1 to the 1986 Act, as applied by Part 1 of Schedule 20 to this Act, to be the energy administrator of that company; and
 - (b) where two or more persons are appointed to be the energy administrator of that company, are to be construed in accordance with the provision made under section 158(5).
- (3) References in this Chapter to a person qualified to act as an insolvency practitioner in relation to a company are to be construed in accordance with Part 13 of the 1986 Act (insolvency practitioners and their qualifications); but as if references in that Part to a company included references to a [^{F5}Northern Ireland company].
- (4) For the purposes of this Chapter an application made to the court is outstanding if it—
- (a) has not yet been granted or dismissed; and
 - (b) has not been withdrawn.
- (5) For the purposes of subsection (4) an application is not to be taken as having been dismissed if an appeal against the dismissal of the application, or a subsequent appeal, is pending.
- (6) An appeal shall be treated as pending for the purposes of subsection (5) if—
- (a) such an appeal has been brought and has been neither determined nor withdrawn;
 - (b) an application for permission to appeal has been made but has not been determined or withdrawn; or
 - (c) no such appeal has been brought and the period for bringing an appeal is still running.
- (7) References in this Chapter to Schedule B1 to the 1986 Act, or to a provision of that Schedule (except the references in subsection (2) of this section), are references to that Schedule or that provision without the modifications made by Part 1 of Schedule 20 to this Act.
- [^{F6}(8) In this section “Northern Ireland company” means a company registered under the Companies Act 2006 in Northern Ireland.]

Textual Amendments

- F1** Words in s. 171(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 220\(4\)\(a\)](#) (with art. 10)

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- F2** Words in s. 171(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 220(4)(b)** (with art. 10)
- F3** Words in s. 171(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 220(4)(c)** (with art. 10)
- F4** Words in s. 171(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 220(4)(d)** (with art. 10)
- F5** Words in s. 171(3) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 220(5)** (with art. 10)
- F6** S. 171(8) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 220(6)** (with art. 10)

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** S. 171 applied (with modifications) (18.12.2011) by Energy Act 2011 (c. 16), **ss. 96(5)(6), 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** S. 171 applied (with modifications) (23.7.2018) by Smart Meters Act 2018 (c. 14), **ss. 4(5)(6), 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** S. 171 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(6)(7), 44(1)(c)(2)(c)**
- C9** Ss. 171-196 power to apply (with modifications) conferred (26.10.2023) by Energy Act 2023 (c. 52), s. 334(2)(1), **Sch. 18 para. 50**
- C10** S. 171 applied (with modifications) (26.12.2023) by Energy Act 2023 (c. 52), **ss. 44(5)(6), 334(3)(a)**

Commencement Information

- I1** S. 171 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\(2\)\(b\)](#)