



Energy Act 2011

2011 CHAPTER 16

PART 2

SECURITY OF ENERGY SUPPLIES

CHAPTER 5

SPECIAL ADMINISTRATION

Special administration under this Chapter

99 Licence conditions to secure funding of energy supply company administration

- (1) The modifications that may be made under section 98 include, in particular, modifications imposing conditions requiring the holder of the licence—
 - (a) so to modify the charges imposed by the licence holder for anything done by the licence holder in the carrying on of the licensed activities as to raise such amounts as may be determined by or under the conditions; and
 - (b) to pay the amounts so raised to such persons as may be so determined for the purpose of—
 - (i) their applying those amounts in making good any shortfall in the property available for meeting the expenses of an energy supply company administration; or
 - (ii) enabling those persons to secure that those amounts are so applied.
- (2) Those modifications may include modifications imposing on the licence holder an obligation to apply amounts paid to the licence holder in pursuance of conditions falling within subsection (1)(a) or (b) in making good any such shortfall.
- (3) For the purposes of this section—
 - (a) there is a shortfall in the property available for meeting the costs of an energy supply company administration if, in a case where a company is

Status: This is the original version (as it was originally enacted).

- or has been subject to an energy supply company administration order, the property available (apart from conditions falling within subsection (1) or (2)) for meeting relevant debts is insufficient for meeting them; and
- (b) amounts are applied in making good that shortfall if they are paid in or towards discharging so much of a relevant debt as cannot be met out of the property otherwise available for meeting relevant debts.
- (4) In this section “relevant debt” in relation to a case in which a company is or has been subject to an energy supply company administration order, means an obligation—
- (a) to make payments in respect of the expenses or remuneration of any person as the energy administrator of that company;
 - (b) to make a payment in discharge of a debt or liability of that company arising out of a contract entered into at a time when the order was in force by the person who at that time was the energy administrator of that company;
 - (c) to repay the whole or a part of a grant made to that company under section 165 of the Energy Act 2004 as applied by section 96 of this Act;
 - (d) to repay a loan made to the company under that section as so applied, or to pay interest on such a loan;
 - (e) to make a payment under section 166(4) of that Act as so applied; or
 - (f) to make a payment under section 167(5) of that Act as so applied.