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STATUTORY INSTRUMENTS

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**2013 No. 1046**

**The Energy Supply Company Administration Rules 2013**

**PART 4**

Meetings and reports

CHAPTER 1

Creditors' meetings

**Reports**

- 33.**—(1) The energy administrator must prepare a report (the “progress report”) which includes—
- (a) details of the court where the proceedings are and the relevant court reference number;
  - (b) full details of the energy supply company's name, address of registered office and registered number;
  - (c) full details of the energy administrator's name and address, date of appointment and name and address of the applicant for the energy supply company administration application including any changes in office-holder, and, in the case of joint energy administrators, their functions as set out in the statement made for the purposes of section 158(5) of the 2004 Act;
  - (d) details of progress during the period of the report, including a receipts and payments account (as detailed in paragraph (2) below);
  - (e) details of any assets that remain to be realised; and
  - (f) any other relevant information for the creditors.
- (2) A receipts and payments account must state what assets of the energy supply company have been realised, for what value, and what payments have been made to creditors or others. The account is to be in the form of an abstract showing receipts and payments during the period of the report and where the energy administrator has ceased to act, the receipts and payments account must include a statement as to the amount paid to unsecured creditors by virtue of the application of section 176A of the 1986 Act (prescribed part).
- (3) The progress report must cover—
- (a) the period of 6 months commencing on the date that the energy supply company entered energy supply company administration, and every subsequent period of 6 months; and
  - (b) when the energy administrator ceases to act, any period from the date of the previous report, if any, and from the date that the energy supply company entered energy supply company administration if there is no previous report, until the time that the energy administrator ceases to act.
- (4) The energy administrator must send a copy of the progress report, attached to Form ESCA12, within 1 month of the end of the period covered by the report, to—
- (a) the Secretary of State;

- (b) GEMA;
- (c) the creditors; and
- (d) the court,

and must deliver a copy to the registrar of companies, but this rule does not apply when the period covered by the report is that of a final progress report under Rule 78.

(5) The court may, on the energy administrator's application, extend the period of 1 month mentioned in paragraph (4) above, or make such other order in respect of the content of the report as it thinks fit.

(6) It is an offence for the energy administrator to fail to comply with this Rule.

**Changes to legislation:**

There are currently no known outstanding effects for the The Energy Supply Company Administration Rules 2013, Section 33.