
STATUTORY INSTRUMENTS

2013 No. 1046

The Energy Supply Company Administration Rules 2013

PART 6

Expenses of the energy supply company administration

Priority of expenses of energy supply company administration

36.—(1) The expenses of the energy supply company administration are payable in the following order of priority—

- (a) expenses properly incurred by the energy administrator in performing the energy administrator's functions in the energy supply company administration of the energy supply company, except for those expenses referred to in sub-paragraph (g);
- (b) the cost of any security provided by the energy administrator in accordance with the 1986 Act or these Rules;
- (c) the costs of the applicant and any person appearing on the hearing of the application;
- (d) any amount payable to a person employed or authorised, under Part 3 of these Rules, to assist in the preparation of a statement of affairs or statement of concurrence;
- (e) any allowance made, by the order of the court, towards costs on an application for release from the obligation to submit a statement of affairs or statement of concurrence;
- (f) any necessary disbursements by the energy administrator in the course of the energy supply company administration (but not including any payment of corporation tax in circumstances referred to in sub-paragraph (i) below);
- (g) the remuneration of any person who has been employed by the energy administrator to perform any services for the energy supply company, as required or authorised under the 1986 Act, the 2004 Act or these Rules;
- (h) the remuneration of the energy administrator fixed by the court under Part 8 of these Rules and unpaid pre-energy supply company administration costs approved under Rule 37;
- (i) the amount of any corporation tax on chargeable gains accruing on the realisation of any asset of the energy supply company (without regard to whether the realisation is effected by the energy administrator, a secured creditor, or a receiver or manager appointed to deal with a security).

(2) The priorities laid down by paragraph (1) of this Rule are subject to the power of the court to make orders under paragraph (3) of this Rule where the assets are insufficient to satisfy the liabilities.

(3) The court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the expenses incurred in the energy supply company administration in such order of priority as the court thinks just.

(4) For the purposes of paragraph 99(3) of Schedule B1 to the 1986 Act, the former energy administrator's remuneration and expenses shall comprise all those items set out in paragraph (1) of this Rule.

Pre-energy supply company administration costs

37. Where the energy administrator has made a statement of pre-energy supply company administration costs under Rule 20(2)(k), the energy administrator (where the costs consist of fees charged or expenses incurred by the energy administrator) or other insolvency practitioner (where the costs consist of fees charged or expenses incurred by that practitioner) must, before paying such costs, apply to the court for a determination of whether and to what extent the unpaid pre-energy supply company administration costs are approved for payment.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Supply Company Administration Rules 2013, PART 6.