
STATUTORY INSTRUMENTS

2020 No. 629

**The Smart Meter Communication Licensee
Administration (England and Wales) Rules 2020**

PART 1

Introductory provisions

“Debt”, “liability”

3.—(1) “Debt” means (subject to paragraph (2)) any of the following—

- (a) any debt or liability to which the SMCL is subject at the date on which it entered SMCL administration;
- (b) any debt or liability to which the SMCL may become subject after that date by reason of any obligation incurred before that date;
- (c) any interest provable as mentioned in Rule 62(1).

(2) For the purpose of any provision of the 1986 Act, section 154 to 171 of and Schedule 20 and 21 to the 2004 Act, the 2018 Act, or these Rules, any liability in tort is a debt provable in the SMCL administration if either—

- (a) the cause of action has accrued at the date on which the SMCL entered SMCL administration; or
- (b) all the elements necessary to establish the cause of action exist at that date except for actionable damage.

(3) For the purposes of references in any provision of the 1986 Act, section 154 to 171 of and Schedules 20 and 21 to the 2004 Act, the 2018 Act or these Rules, to a debt or liability, it is immaterial whether the debt or liability is present or future, whether it is certain or contingent, or whether its amount is fixed or liquidated, or is capable of being ascertained by fixed rules or as a matter of opinion; and references in any such provision to owing a debt are to be read accordingly.

(4) In any provision of the 1986 Act, section 154 to 171 of and Schedule 20 and 21 to the 2004 Act, or these Rules, except in so far as the context otherwise requires, “liability” means (subject to paragraph (2) above) a liability to pay money or money’s worth, including any liability under an enactment, any liability for breach of trust, any liability in contract, tort or bailment, and any liability arising out of an obligation to make restitution.