
STATUTORY INSTRUMENTS

2020 No. 629

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

PART 11

Court procedure and practice

CHAPTER 7

General

Principal court rules and practice to apply

134.—(1) The provisions of the CPR (including any related practice directions) apply to SMCL administration proceedings with any necessary modifications, except so far as disapplied by or inconsistent with these Rules.

(2) SMCL administration proceedings must be allocated to the multi-track, for which CPR Part 29(1) makes provision, and accordingly those provisions of the CPR which provide for directions questionnaires and track allocation do not apply.

(3) CPR Part 32 (evidence) applies to a false statement in a document verified by a statement of truth made under these Rules as it applies to a false statement in a document verified by a statement of truth made under CPR Part 22 (statements of truth).

Performance of functions by the Court

135.—(1) In SMCL administration proceedings, anything to be done by, to or before the court may be done by, to or before a High Court Judge, Insolvency and Companies Court Judge or district judge of the High Court.

(2) The Insolvency and Companies Court Judge or district judge of the High Court may authorise any act of a formal or administrative character which is not by statute that person's responsibility to be carried out by the chief clerk or any other officer of the court acting on that person's behalf, in accordance with directions given by the Lord Chancellor.

(3) The hearing of an application must be in open court unless the court directs otherwise.

Rights of audience

136. Rights of audience in SMCL administration proceedings are the same as in insolvency proceedings.

Formal defects

137. No SMCL administration proceedings are to be invalidated by any formal defect or any irregularity, unless the court before which objection is made considers that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of the court.

Shorthand writers

138.—(1) The court may in writing nominate a person to be official shorthand writer to the court.

(2) The court may, at any time in the course of SMCL administration proceedings, appoint a shorthand writer to take down evidence of a person examined under section 236 of the 1986 Act.

(3) The remuneration of a shorthand writer appointed in SMCL administration proceedings must be paid by the party at whose instance the appointment was made, or out of the assets of the SMCL or otherwise, as the court may direct.

(4) Any question arising as to the rates of remuneration payable under this Rule must be determined by the court.

Payment into court

139. CPR Part 37(2) (miscellaneous provisions about payment into court) applies to money lodged in court under these Rules.

Further information and disclosure

140.—(1) A party to SMCL administration proceedings may apply to the court for an order—

(a) that in accordance with CPR Part 18(3) (further information) another party—

(i) clarify a matter that is in dispute in the proceedings; or

(ii) give additional information in relation to such a matter; or

(b) for disclosure from any person in accordance with CPR Part 31 (disclosure and inspection of documents)(4), save where Rules 18 or 24 apply.

(2) An application under this Rule may be made without notice to any other party.

Court orders

141. Notwithstanding any requirement in these Rules as to the contents of a court order, the court may make such other order or in such form as the court thinks just.

(2) Part 37 was amended by S.I. 2006/3435 and S.I. 2014/3299.

(3) Part 18 was amended by S.I. 2000/221.

(4) Part 31 was amended by S.I. 2000/221, S.I. 2001/4015, S.I. 2010/1953, S.I. 2011/88, S.I. 2012/2208, S.I. 2013/262 and S.I. 2013/1974.