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STATUTORY INSTRUMENTS

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**2020 No. 629**

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

**PART 3**

Process of SMCL administration

**Notification and advertisement of SMCL administrator's appointment**

**13.**—(1) The SMCL administrator must, as soon as reasonably practicable after the date of the SMCL administration order, deliver a notice of the appointment—

- (a) if the application for the SMCL administration order was made by the Secretary of State, to GEMA;
  - (b) if the application for the SMCL administration order was made by GEMA, to the Secretary of State;
  - (c) to any holder of a qualifying floating charge who, to the SMCL administrator's knowledge, has served notice in accordance with section 163 of the 2004 Act<sup>(1)</sup> that the person is seeking to appoint an administrator;
  - (d) if a receiver or an administrative receiver has been appointed, to that person;
  - (e) to any person who has applied to the court for an administration order under Schedule B1 to the 1986 Act, without the modifications made by Schedule 20 to the 2004 Act, in relation to the SMCL;
  - (f) if there is pending a petition for the winding up of the SMCL, to the petitioner and also to the provisional liquidator (if any);
  - (g) to any supervisor of a voluntary arrangement under Part 1 of the 1986 Act;
  - (h) to any creditor who, to the SMCL administrator's knowledge, has served notice in accordance with section 164 of the 2004 Act of that person's intention to enforce that person's security over property of the SMCL;
  - (i) to any enforcement officer, enforcement agent or other officer who, to the SMCL administrator's knowledge, is charged with distress or other legal process against the SMCL or its property; and
  - (j) to any person who, to the SMCL administrator's knowledge, has distrained against the SMCL or its property.
- (2) The notice of appointment must state—
- (a) that an SMCL administrator has been appointed; and
  - (b) the date of the appointment.
- (3) The SMCL administrator—

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<sup>(1)</sup> Section 163(2) of the 2004 Act prevents an appointment from taking effect under paragraph 14 of Schedule B1 to the 1986 Act (appointment of administrator by holder of floating charge) unless the conditions in section 163(3) of the 2004 Act are met.

- (a) must, as soon as reasonably practicable after the date of the SMCL administration order, have gazetted the notice of appointment; and
  - (b) may advertise the notice of appointment in such other manner as the SMCL administrator thinks fit.
- (4) Where, under a provision of Schedule B1 to the 1986 Act or these Rules, the SMCL administrator is required to deliver a notice of the appointment to any person, the notice must—
- (a) be headed “Notice of SMCL administrator’s appointment”;
  - (b) include immediately below the heading—
    - (i) the full name, registered address, registered number and any other trading names of the SMCL; and
    - (ii) details of the court where the proceedings are and the relevant court reference number;
  - (c) contain the SMCL administrator’s name, address and IP number; and
  - (d) state that the person mentioned in sub-paragraph (c) has been appointed as SMCL administrator of the SMCL.
- (5) The notice must be authenticated and dated by the SMCL administrator.

#### **Notice requiring statement of affairs**

**14.**—(1) In this Part, “relevant person” has the meaning given to it in paragraph 47(3) of Schedule B1 to the 1986 Act.

(2) A requirement under paragraph 47(1) of Schedule B1 to the 1986 Act for one or more relevant persons to provide the SMCL administrator with a statement of the affairs of the SMCL must be made by a notice delivered to such persons (and each person to whom such a notice is delivered is referred to in this Part as a “nominated person”).

- (3) The notice must—
- (a) be headed “Notice requiring statement of affairs”;
  - (b) include immediately below the heading—
    - (i) the full name, registered address, registered number and any other trading names of the SMCL; and
    - (ii) details of the court where the proceedings are and the relevant court reference number;
  - (c) require each nominated person to prepare and submit to the SMCL administrator a statement of the affairs of the SMCL; and
  - (d) inform each nominated person of—
    - (i) the names and addresses of all others (if any) to whom the same notice has been delivered;
    - (ii) the requirement to deliver the statement of affairs to the SMCL administrator no later than 11 days after receipt of the notice; and
    - (iii) the effect of paragraph 48(4) of Schedule B1 to the 1986 Act (offence of non-compliance) and section 235 of the 1986 Act<sup>(2)</sup> (duty to co-operate with the SMCL administrator).

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(2) Section 235 was amended by the Enterprise Act 2002 (c.40), Schedule 17, paragraph 24.

(4) The SMCL administrator must inform each nominated person that a document for the preparation of the statement of affairs capable of completion in compliance with Rule 15 will be supplied if requested.

(5) The nominated person (or one of them, if more than one) must deliver the statement of affairs to the SMCL administrator with the statement of truth required by paragraph 47(2)(a) of Schedule B1 to the 1986 Act and a copy of each statement.

**Statement of affairs: content**

**15.**—(1) The statement of affairs must—

- (a) be headed “Statement of affairs”;
- (b) include immediately below the heading—
  - (i) the full name, registered address, registered number and any other trading names of the SMCL; and
  - (ii) details of the court where the proceedings are and the relevant court reference number; and
- (c) state that it is a statement of the affairs of the SMCL on a specified date, being the date on which it entered SMCL administration.

(2) The statement of affairs must contain (in addition to the matters required by paragraph 47(2) of Schedule B1 to the 1986 Act)—

- (a) a summary of the assets of the SMCL, setting out the book value and the estimated realisable value of—
  - (i) any assets subject to a fixed charge;
  - (ii) any assets subject to a floating charge;
  - (iii) any uncharged assets; and
  - (iv) the total value of all the assets available for preferential creditors;
- (b) a summary of the liabilities of the SMCL, setting out—
  - (i) the amount of preferential debts;
  - (ii) an estimate of the deficiency with respect to preferential debts or the surplus available after paying the preferential debts;
  - (iii) an estimate of the prescribed part if applicable;
  - (iv) the amount of debt secured by floating charges;
  - (v) an estimate of the total assets available to pay debts secured by floating charges;
  - (vi) an estimate of the deficiency with respect to debts secured by floating charges or the surplus available after paying the debts secured by fixed or floating charges;
  - (vii) the amount of unsecured debts (excluding preferential debts);
  - (viii) an estimate of the deficiency with respect to unsecured debts or the surplus available after paying unsecured debts;
  - (ix) any issued and called-up capital; and
  - (x) an estimate of the deficiency with respect to, or surplus available to, members of the SMCL;
- (c) a list of the SMCL’s creditors with the further particulars required by paragraph (3) indicating—
  - (i) any creditors under hire-purchase, chattel leasing or conditional sales agreements; and

- (ii) any creditors claiming retention of title over property in the SMCL's possession; and
  - (d) the name and address of each member of the SMCL and the number, nominal value and other details of the shares held by each member.
- (3) The list of creditors required by paragraph 47(2) of Schedule B1 to the 1986 Act and paragraph (2)(c) of this Rule must contain the following particulars except where paragraphs (4) and (5) apply—
- (a) the name and postal address of the creditor;
  - (b) the amount of the debt owed to the creditor;
  - (c) details of any security held by the creditor;
  - (d) the date on which any such security was given; and
  - (e) the value of any such security.
- (4) This paragraph applies where the particulars required by paragraph (3) relate to creditors who are either—
- (a) employees or former employees of the SMCL; or
  - (b) consumers claiming amounts paid in advance for the supply of goods or services.
- (5) Where paragraph (4) applies—
- (a) the statement of affairs itself must state separately for each of paragraphs (4)(a) and (b) the number of such creditors and the total of the debts owed to them; and
  - (b) the particulars required by paragraph (3) must be set out in separate schedules to the statement of affairs for each of paragraphs (4)(a) and (b).

### **Statement of concurrence**

**16.—**(1) The SMCL administrator may require a relevant person to deliver to the SMCL administrator a statement of concurrence.

(2) A statement of concurrence is a statement, verified by a statement of truth, that that person concurs in the statement of affairs submitted by a nominated person.

(3) The SMCL administrator must inform the nominated person that the relevant person mentioned in paragraph (1) has been required to deliver a statement of concurrence.

(4) The nominated person must deliver a copy of the statement of affairs to every relevant person who has been required to submit a statement of concurrence.

(5) The relevant person must deliver the required statement of concurrence together with a copy to the SMCL administrator before the end of the period of five business days (or such other period as the SMCL administrator may agree) beginning with the day on which the relevant person receives the statement of affairs.

(6) A statement of concurrence must—

- (a) be headed “Statement of concurrence”; and
- (b) include immediately below the heading—
  - (i) the full name, registered address, registered number and any other trading names of the SMCL; and
  - (ii) details of the court where the proceedings are and the relevant court reference number.

(7) A statement of concurrence may be qualified in relation to matters dealt with in the statement of affairs where the person making the statement of concurrence—

- (a) is not in agreement with the statement of affairs;

- (b) considers the statement of affairs to be erroneous or misleading; or
- (c) is without the direct knowledge necessary for concurring with it.

### **Filing of statement of affairs etc.**

**17.**—(1) Subject to Rule 18, the SMCL administrator must as soon as reasonably practicable deliver to the registrar of companies a copy of the statement of affairs and any statement of concurrence.

(2) However, the SMCL administrator must not deliver to the registrar of companies with the statement of affairs any schedule required by Rule 15(5)(b).

### **Limited disclosure**

**18.**—(1) If the SMCL administrator thinks that it would prejudice the conduct of the SMCL administration or might reasonably be expected to lead to violence against any person for the whole or part of the statement of affairs or a statement of concurrence to be disclosed, the SMCL administrator may apply to the court for an order in relation to the particular statement, or a specified part of it.

(2) The court may, on such application, order that the whole of, or a specified part of, a statement referred to in paragraph (1) must not be delivered to the registrar of companies.

(3) The SMCL administrator must as soon as reasonably practicable deliver to the registrar of companies—

- (a) a copy of the order; and
- (b) the statement of affairs and any statement of concurrence to the extent provided by the order.

(4) A creditor may apply to the court for an order that the SMCL administrator disclose any statement or a specified part of it in relation to which an order has been made under paragraph (2).

(5) The application under paragraph (4) must be supported by a witness statement.

(6) The applicant must deliver to the SMCL administrator notice of the application under paragraph (4) at least three business days before the hearing.

(7) The court may, on an application under paragraph (4), make any order for disclosure subject to any conditions as to confidentiality, duration, the scope of the order in the event of any change of circumstances, or other matters as it thinks just.

(8) If there is a material change in circumstances rendering an order under paragraph (2) wholly or partially unnecessary, the SMCL administrator must, as soon as reasonably practicable after the change, apply to the court for the order or any part of it to be rescinded or amended.

(9) The SMCL administrator must, as soon as reasonably practicable after the making of an order under paragraph (8), deliver to the registrar of companies a copy of the statement of affairs and any statement of concurrence to the extent provided by the order.

(10) If, after the SMCL administrator has sent a statement of proposals under paragraph 49 of Schedule B1 to the 1986 Act<sup>(3)</sup>, a statement of affairs is delivered to the registrar of companies in accordance with paragraph (9), the SMCL administrator must deliver to the creditors a copy or summary of the statement of affairs as delivered to the registrar of companies.

(11) The provisions of CPR Part 31 do not apply to any application under this Rule.

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(3) Paragraph 49 was amended by [S.I. 2008/948](#). It was also amended by the Small Business, Enterprise and Employment Act 2015 (c.26), Schedule 9, paragraph 10; but those amendments do not apply to proceedings under the Smart Meters Act 2018, as a result of the savings made by [S.I. 2017/540](#).

### **Release from duty to submit statement of affairs; extension of time**

**19.**—(1) The power of the SMCL administrator under paragraph 48(2) of Schedule B1 to the 1986 Act to revoke a requirement to provide a statement of affairs or to extend the period within which it must be submitted may be exercised at the SMCL administrator’s own discretion or at the request of a nominated person.

(2) The nominated person may apply to the court if the SMCL administrator refuses that person’s request for a revocation or extension.

(3) The court may, if it thinks that no sufficient cause is shown for the application, dismiss it without giving notice to any party other than the applicant.

(4) If the application is not dismissed, the court must fix a venue for it to be heard, and give notice to the applicant accordingly.

(5) The applicant must, at least 14 days before the hearing, deliver to the SMCL administrator a notice stating the venue with a copy of the application and of any evidence on which the applicant intends to rely.

(6) The SMCL administrator may appear and be heard on the application and, whether or not the SMCL administrator appears, the SMCL administrator may file a report of any matters which the SMCL administrator considers ought to be drawn to the court’s attention.

(7) If such a report is filed, the SMCL administrator must deliver a copy of it to the applicant not less than five business days before the date fixed for the hearing.

(8) Sealed copies of any order made on the application must be delivered by the court to the applicant and the SMCL administrator.

(9) On an application under this Rule, the applicant’s costs must be paid by the applicant in any event, but the court may order that an allowance of all or part of them may be payable as an expense of the SMCL administration.

### **Expenses of statement of affairs**

**20.**—(1) The expenses of a nominated person which the SMCL administrator considers to have been reasonably incurred in making a statement of affairs or of a relevant person in making a statement of concurrence must be paid by the SMCL administrator as an expense of the SMCL administration.

(2) A decision by the SMCL administrator that expenses were not reasonably incurred (and are therefore not payable as an expense of the SMCL administration) may be appealed by way of an application to the court.

(3) Nothing in this Rule relieves a relevant person of any obligation with respect to the making and delivery of a statement of affairs or statement of concurrence.

### **SMCL administrator’s proposals**

**21.**—(1) This Rule applies to the statement the SMCL administrator is required to make under paragraph 49 of Schedule B1 to the 1986 Act (“the statement of proposals”).

(2) The statement of proposals must include (in addition to those matters set out in paragraph 49 of Schedule B1 to the 1986 Act)—

- (a) details of the court where the proceedings are and the relevant court reference number;
- (b) the full name, registered address, registered number and any other trading names of the SMCL;
- (c) details relating to the SMCL administrator’s appointment, including the date of appointment and whether the application was made by the Secretary of State or GEMA

- and, where there are joint SMCL administrators, details of the matters set out in section 158(5) of the 2004 Act;
- (d) the names of the directors and secretary of the SMCL and details of any shareholdings in the SMCL they may have;
  - (e) an account of the circumstances giving rise to the appointment of the SMCL administrator;
  - (f) if a statement of affairs has been submitted—
    - (i) a copy or summary of it, except so far as an order under Rule 18 limits disclosure of it, and excluding any schedule referred to in Rule 15(5)(b), or the particulars relating to individual creditors contained in any such schedule,
    - (ii) details of who provided the statement of affairs, and
    - (iii) any comments which the SMCL administrator may have upon the statement of affairs;
  - (g) if an order under Rule 18 (limited disclosure) has been made—
    - (i) a statement of that fact, and
    - (ii) the date of the order;
  - (h) if no statement of affairs has been submitted—
    - (i) details of the financial position of the SMCL at the latest practicable date (which must, unless the court orders otherwise, be a date not earlier than that on which the SMCL entered SMCL administration), and
    - (ii) an explanation as to why there is no statement of affairs;
  - (i) a full list of the company's creditors in accordance with paragraph (3) if either—
    - (i) no statement of affairs has been submitted, or
    - (ii) a statement of affairs has been submitted but it does not include such a list, or the SMCL administrator believes the list included is less than full;
  - (j) except where the SMCL administrator proposes a voluntary arrangement in relation to the SMCL and subject to paragraph (6)—
    - (i) to the best of the SMCL administrator's knowledge and belief—
      - (aa) an estimate of the value of the prescribed part (whether or not the SMCL administrator proposes to make an application to court under section 176A(5) of the 1986 Act or section 176A(3) of the 1986 Act applies); and
      - (bb) an estimate of the value of the SMCL's net property; and
    - (ii) a statement whether the SMCL administrator proposes to make an application to the court under section 176A(5) of the 1986 Act and if so the reason for the application;
  - (k) a statement of any pre-smart meter communication licensee administration costs charged or incurred by the SMCL administrator or, to the SMCL administrator's knowledge, by any other person qualified to act as an insolvency practitioner;
  - (l) a statement of how it is envisaged the objective of the SMCL administration will be achieved and how it is proposed that the SMCL administration will end;
  - (m) the manner in which the affairs and business of the SMCL—
    - (i) have, since the date of the SMCL administrator's appointment, been managed and financed, including where any assets have been disposed of, the reasons for such disposals and the terms upon which such disposals were made; and
    - (ii) will continue to be managed and financed; and

- (n) such other information (if any) as the SMCL administrator thinks necessary.
- (3) The list of creditors required by paragraph (2)(i) must contain the following particulars except where paragraphs (4) and (5) apply—
- (a) the name and postal address of the creditor;
  - (b) the amount of the debt owed to the creditor;
  - (c) details of any security held by the creditor;
  - (d) the date on which any such security was given; and
  - (e) the value of any such security.
- (4) This paragraph applies where the particulars required by paragraph (3) relate to creditors who are either—
- (a) employees or former employees of the SMCL; or
  - (b) consumers claiming amounts paid in advance for the supply of goods or services.
- (5) Where paragraph (4) applies—
- (a) the list of creditors required by paragraph (2)(i) must state separately for each of paragraphs (4)(a) and (b) the number of such creditors and the total of the debts owed to them;
  - (b) the particulars required by paragraph (3) must be set out in separate schedules to the list of creditors for each of paragraphs (4)(a) and (b); and
  - (c) the SMCL administrator must not deliver any such schedule to the registrar of companies with the statement of proposals.
- (6) The SMCL administrator may exclude from an estimate under paragraph (2)(j) information the disclosure of which could seriously prejudice the commercial interests of the company, and if such information is excluded from the calculation the estimate must be accompanied by a statement to that effect.
- (7) This paragraph applies where it is proposed that the SMCL administration will end by the SMCL moving to a creditors' voluntary liquidation; and in that case, the statement required by paragraph (2)(l) must include—
- (a) details of the proposed liquidator;
  - (b) where applicable, the declaration required by section 231 of the 1986 Act<sup>(4)</sup>; and
  - (c) a statement that the creditors may nominate a different person as liquidator in accordance with paragraph 83(7)(a) of Schedule B1 to the 1986 Act<sup>(5)</sup> and Rule 93<sup>(4)</sup>.

### **Statement of pre-smart meter communication licensee administration costs**

- 22.** A statement of pre-smart meter communication licensee administration costs under Rule 21(2)(k) must include—
- (a) details of any agreement under which the fees were charged and expenses incurred, including the parties to the agreement and the date on which the agreement was made;
  - (b) details of the work done for which the fees were charged and expenses incurred;
  - (c) an explanation of why the work was done before the SMCL entered SMCL administration and how it had been intended to further the achievement of the objective of the SMCL administration;

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(4) Section 231 was amended by the Enterprise Act 2002 (c.40), Schedule 17, paragraph 20 and Schedule 26.

(5) Paragraph 83 was amended by the Small Business, Enterprise and Employment Act 2015 (c.26), section 128. It was also amended by Schedule 9 to that Act, paragraph 10; but those amendments do not apply to proceedings under the Smart Meters Act 2018, as a result of the savings made by S.I. 2017/540.



- (d) a statement of the amount of the pre-smart meter communication licensee administration costs, setting out separately—
  - (i) the fees charged by the SMCL administrator;
  - (ii) the expenses incurred by the SMCL administrator;
  - (iii) the fees charged (to the SMCL administrator’s knowledge) by any other person qualified to act as an insolvency practitioner (and, if more than one, by each separately); and
  - (iv) the expenses incurred (to the SMCL administrator’s knowledge) by any other person qualified to act as an insolvency practitioner (and, if more than one, by each separately);
- (e) a statement of the amounts of pre-smart meter communication licensee administration costs which have already been paid, set out separately as under sub-paragraph (d);
- (f) the identity of the person who made the payment or, if more than one person made the payment, the identity of each such person and of the amounts paid by each such person, set out separately as under sub-paragraph (d);
- (g) a statement of the amounts of unpaid pre-smart meter communication licensee administration costs, set out separately as under paragraph (d); and
- (h) a statement that the payment of unpaid pre-smart meter communication licensee administration costs as an expense of the SMCL administration is subject to approval under Rule 47.

#### **Ancillary provisions about delivery of SMCL administrator’s proposals**

**23.**—(1) Where the court orders, on an application by the SMCL administrator under paragraph 107 of Schedule B1 to the 1986 Act, an extension of the period in paragraph 49(5) of Schedule B1 to the 1986 Act for delivering copies of the statement of proposals, the SMCL administrator must as soon as reasonably practicable after the making of the order—

- (a) deliver a notice of the extension to every creditor of the SMCL and every member of the SMCL of whose address (in either case) the SMCL administrator is aware; and
  - (b) deliver a copy of the notice of the extension to the registrar of companies.
- (2) The notice mentioned in paragraph (1) must—
- (a) be headed “Notice of extension of time period”;
  - (b) include immediately below the heading—
    - (i) details of the court where the proceedings are and the relevant court reference number; and
    - (ii) the full name, registered address, registered number and any other trading names of the SMCL; and
  - (c) state the date to which the court has ordered an extension.

(3) Where the SMCL administrator wishes to publish a notice under paragraph 49(6) of Schedule B1 to the 1986 Act, the notice must—

- (a) be advertised in such manner as the SMCL administrator thinks fit; and
- (b) be published as soon as reasonably practicable after the SMCL administrator has delivered the statement of proposals to the SMCL’s creditors but no later than 8 weeks (or such other period as may be agreed by the creditors or as the court may order) from the date on which the SMCL entered SMCL administration.

### **Limited disclosure of SMCL administrator’s statement of proposals**

**24.**—(1) If the SMCL administrator thinks that it would prejudice the conduct of the SMCL administration or might reasonably be expected to lead to violence against any person for any of the matters specified in Rule 21(2)(h) and (i) to be disclosed, the SMCL administrator may apply to the court for an order in relation to any specified part of the statement of proposals.

(2) The court may, on such application, order that some or all of the specified part of the statement must not be delivered to the registrar of companies or to creditors or members of the SMCL as otherwise required by paragraph 49(4) of Schedule B1 to the 1986 Act.

(3) The SMCL administrator must as soon as reasonably practicable deliver to the persons specified in paragraph 49(4) of Schedule B1 to the 1986 Act the statement of proposals (to the extent provided by the order) and an indication of the nature of the matter in relation to which the order was made.

(4) The SMCL administrator must also deliver a copy of the order to the registrar of companies.

(5) A creditor may apply to the court for an order that the SMCL administrator disclose any part of a statement of proposals in relation to which an order has been made under paragraph (2).

(6) The application under paragraph (5) must be supported by a witness statement.

(7) The applicant must deliver to the SMCL administrator notice of the application under paragraph (5) at least three business days before the hearing.

(8) The court may, on an application under paragraph (5), make any order for disclosure subject to any conditions as to confidentiality, duration, the scope of the order in the event of any change of circumstances, or other matters as it thinks just.

(9) If there is a material change in circumstances rendering an order under paragraph (2) wholly or partially unnecessary, the SMCL administrator must, as soon as reasonably practicable after the change, apply to the court for the order or any part of it to be rescinded or amended.

(10) The SMCL administrator must, as soon as reasonably practicable after the making of an order under paragraph (9), deliver to the persons specified in paragraph 49(4) of Schedule B1 to the 1986 Act a copy of the statement of proposals to the extent provided by the order and an indication of the nature of the matter in relation to which the order was made.

(11) The provisions of CPR Part 31 do not apply to any application under this Rule.

### **Revision of the SMCL administrator’s proposals**

**25.**—(1) Where paragraph 54(2) of Schedule B1 to the 1986 Act applies, the SMCL administrator must, as soon as reasonably practicable, make a statement setting out the revisions to the SMCL administrator’s proposals and send it to all those to whom the SMCL administrator is required to send a copy of the revised proposals.

(2) The statement of revised proposals must—

(a) be headed “Statement of SMCL administrator’s revised proposals”; and

(b) include immediately below the heading—

(i) the full name, registered address, registered number and any other trading names of the SMCL; and

(ii) details of the court where the proceedings are and the relevant court reference number.

(3) The statement of revised proposals must include—

(a) details relating to the SMCL administrator’s appointment, including the date of appointment and whether the SMCL administration application was made by the Secretary of State or GEMA;

- (b) the names of the directors and secretary of the SMCL and details of any shareholdings in the SMCL they may have;
  - (c) a summary of the original proposals and the reasons for the revision;
  - (d) details of the revision including details of the SMCL administrator's assessment of the likely impact of the revision upon creditors generally or upon each class of creditors;
  - (e) where the revision relates to the ending of the SMCL administration by a creditors' voluntary liquidation and the nomination of a person to be the proposed liquidator of the SMCL—
    - (i) details of the proposed liquidator;
    - (ii) where applicable, the declaration required by section 231 of the 1986 Act; and
    - (iii) a statement that the creditors may nominate a different person as liquidator in accordance with paragraph 83(7)(a) of Schedule B1 to the 1986 Act and Rule 93(4); and
  - (f) any other information that the SMCL administrator thinks necessary.
- (4) Subject to paragraph 54(4) of Schedule B1 to the 1986 Act, within five business days of sending out the statement in paragraph (1) above to the creditors, the SMCL administrator must send a copy of the statement to every member of the SMCL.
- (5) A notice under paragraph 54(4) of Schedule B1 to the 1986 Act must—
- (a) be advertised in such manner as the SMCL administrator thinks fit as soon as reasonably practicable after the SMCL administrator has sent the statement to the creditors; and
  - (b) state—
    - (i) that members may request in writing a copy of the statement of revised proposals; and
    - (ii) the address to which to write.

## Reports

- 26.—(1) The SMCL administrator must prepare a report (the “progress report”).
- (2) The progress report must—
- (a) be headed “SMCL administrator’s progress report”; and
  - (b) include immediately below the heading—
    - (i) the full name, registered address, registered number and any other trading names of the SMCL; and
    - (ii) details of the court where the proceedings are and the relevant court reference number.
- (3) The progress report must include—
- (a) full details of the SMCL administrator’s name and address, date of appointment and any changes in SMCL administrator;
  - (b) the name and address of the applicant for the SMCL administration application;
  - (c) in the case of joint SMCL administrators, details of the matters set out in 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 (4));
  - (e) details of any assets that remain to be realised; and
  - (f) any other relevant information for the creditors.

- (4) A receipts and payments account must—
- (a) state what assets of the SMCL have been realised, for what value, and what payments have been made to creditors or others;
  - (b) be in the form of an abstract showing receipts and payments during the period of the report; and
  - (c) where the SMCL administrator has ceased to act, 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).
- (5) The progress report must cover the periods of—
- (a) six months starting on the date on which the SMCL entered SMCL administration; and
  - (b) each subsequent period of six months.
- (6) The periods for which progress reports are required under paragraph (5) are unaffected by any change in the SMCL administrator.
- (7) The SMCL administrator must send a copy of the progress report within one month of the end of the period covered by the report, to—
- (a) the registrar of companies;
  - (b) the Secretary of State;
  - (c) GEMA;
  - (d) the creditors; and
  - (e) the court,
- but this paragraph does not apply when the report is a final progress report within the meaning of Part 9.
- (8) The court may, on the SMCL administrator’s application, extend the period of one month mentioned in paragraph (7) above, or make such other order in respect of the content of the report as it thinks fit.
- (9) It is an offence for the SMCL administrator to fail to comply with this Rule.