
STATUTORY INSTRUMENTS

2023 No. 712

**The Relevant Licensee Nuclear Company
Administration (England and Wales) Rules 2023**

PART 4

Creditors' decisions and company meetings

CHAPTER 1

Creditors' decisions

Application

27. This Chapter applies where the nuclear administrator seeks a decision from creditors under paragraph 62 of Schedule B1 to the 1986 Act⁽¹⁾.

Creditors' decisions

28. The nuclear administrator may, and in the circumstances set out in rule 29 must, seek a decision from the relevant licensee nuclear company's creditors under paragraph 62 of Schedule B1 to the 1986 Act.

Creditors' decisions for the nomination of an alternative liquidator

29.—(1) This rule applies where the nuclear administrator has proposed that the relevant licensee nuclear company administration will end by the relevant licensee nuclear company entering creditors' voluntary liquidation, in accordance with rule 21(8) or 25(3)(e).

(2) The nuclear administrator must, in the circumstances set out in paragraph (3), seek a decision from the relevant licensee nuclear company's creditors for the purpose of nominating a person other than the person named as the proposed liquidator in the nuclear administrator's proposals or revised proposals.

(3) The circumstances are where such a decision is requested by creditors of the relevant licensee nuclear company whose debts amount to at least 10 per cent of the total debts of the company.

(4) The request for a decision from the relevant licensee nuclear company's creditors for the purpose set out in paragraph (2) must be made—

- (a) in the case of proposals under rule 21(8), within eight business days of the date on which the proposals are delivered, or
- (b) in the case of revised proposals under rule 25(3)(e), within eight business days of the date on which the revised proposals are delivered.

(5) A request under this rule must include—

(1) Paragraph 62 was amended by the Small Business, Enterprise and Employment Act 2015, Schedule 9, paragraph 10.

- (a) a list of creditors concurring with the request, showing the amounts of their respective debts in the relevant licensee nuclear company administration;
- (b) from each creditor concurring, written confirmation of that creditor's concurrence.

(6) But paragraph (5)(a) does not apply if the requesting creditor's debt is alone sufficient without the concurrence of other creditors.

(7) Where a decision has been requested under this rule, rule 15.19 of the Insolvency Rules applies, as modified by rule 30, in relation to the expenses of the decision.

(8) A decision requested under this rule must be reached within 21 days of the receipt by the nuclear administrator of the request for the decision.

Decision making

30.—(1) Where the nuclear administrator seeks a decision from the creditors on any issue, Chapters 2, 3, 6, 7, 8, 9 and 11 of Part 15 and Part 16 of the Insolvency Rules apply, as they apply to administration—

- (a) with the modifications set out in paragraph (2), and
- (b) subject to paragraph (3).

(2) The modifications are—

- (a) for “administration”, in each place, substitute “relevant licensee nuclear company administration”;
- (b) for “administrator”, in each place, substitute “nuclear administrator”;
- (c) for “company”, in each place, substitute “relevant licensee nuclear company”;
- (d) for “convener”, in each place, substitute “nuclear administrator”;
- (e) in rule 15.8, the reference to rule 14.31(1) is a reference to rule 70 of these Rules;
- (f) the following is substituted for rule 15.21—

“**15.21.**—(1) The chair of the meeting must be either the nuclear administrator or a person nominated by the nuclear administrator in writing to be chair.

(2) A person may only be nominated under paragraph (1) if the person—

- (a) is qualified to act as an insolvency practitioner (within the meaning of Part 13 of the Act) in relation to the relevant licensee nuclear company, or
- (b) is an employee of the nuclear administrator or the nuclear administrator's firm who is experienced in insolvency matters.”;

(g) in rule 15.31, the reference to rule 14.24 is a reference to rule 55 of these Rules;

(h) in rule 16.6 the reference to rule 1.58 is a reference to rule 177 of these Rules.

(3) In the application of Part 15 of the Insolvency Rules to a decision sought by the nuclear administrator in a relevant licensee nuclear company administration, rules 15.16, 15.24, 15.28(6), 15.29 and 15.30 do not apply.