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STATUTORY INSTRUMENTS

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**2005 No. 2483**

**The Energy Administration Rules 2005**

**PART 1**

**INTRODUCTORY PROVISIONS**

**Citation and commencement**

1. These Rules may be cited as the Energy Administration Rules 2005 and shall come into force on 1st October 2005.

**Construction and interpretation**

2.—(1) In these Rules—

“the 1986 Act” means the Insolvency Act 1986;

“the 2004 Act” means the Energy Act 2004;

“administrative receiver” has the same meaning as in section 156(4) of the 2004 Act;

“the Companies Act” means the Companies Act 1985(1);

“CPR” means the Civil Procedure Rules 1998(2) and “CPR” followed by a Part or rule number means the Part or rule with that number in those Rules;

“enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003(3);

“GEMA” means the Gas and Electricity Markets Authority;

“insolvency proceedings” has the same meaning as in Rule 13.7 of the Insolvency Rules;

“the Insolvency Rules” means the Insolvency Rules 1986(4);

“qualifying floating charge” has the same meaning as in paragraph 14(2) of Schedule B1 to the 1986 Act, without the modifications made by Schedule 20 to the 2004 Act;

“the Rules” means the Energy Administration Rules 2005.

(2) References in the Rules to *ex parte* hearings shall be construed as references to hearings without notice being served on any other party; references to applications made *ex parte* as references to applications made without notice being served on any other party and other references which include the expression “*ex parte*” shall be similarly construed.

(3) References to provisions of Schedule B1 to the 1986 Act are references to those provisions as modified and applied by Schedule 20 to the 2004 Act unless otherwise stated.

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(1) 1985 c. 6.

(2) S.I. 1998/3132.

(3) 2003 c. 39.

(4) S.I. 1986/1925, as amended by S.I. 1987/1919, 1989/397, 1991/495, 1993/602, 1995/586, 1999/359, 1999/1022, 2001/763, 2002/1307, 2002/2712, 2003/1730, 2004/584, 2004/1070 and 2005/527.

(4) References to other provisions of the 1986 Act are, where those provisions have been modified by Schedule 20 to the 2004 Act, references to those provisions as so modified.

(5) Where the protected energy company is a non-GB company within the meaning of section 171 of the 2004 Act, references in the Rules to the affairs, business and property of the company are references only to its affairs and business so far as carried on in Great Britain and to its property in Great Britain unless otherwise stated.

(6) Where the protected energy company is an unregistered company, any requirement to send information to the registrar of companies applies only if the company is subject to a requirement imposed by virtue of section 691(1)(5) or 718(6) of the Companies Act.

(7) Subject to paragraphs (1), (2), (3), (4), (5) and (6), Part 15 of the Rules has effect for their interpretation and application.

### **Extent**

**3.** The Rules apply in relation to protected energy companies which the courts in England and Wales have jurisdiction to wind up.

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(5) 1985 c. 6 as amended by S.I. 2000/3373 and 2002/912.

(6) As amended by S.I. 1996/2827 and 2001/1228, and the Statute Law (Repeals) Act 2004 c. 14.