
STATUTORY INSTRUMENTS

2005 No. 2483

The Energy Administration Rules 2005

PART 10

REPLACING ENERGY ADMINISTRATOR

Grounds for resignation

81.—(1) The energy administrator may give notice of his resignation on grounds of ill health or because—

- (a) he intends ceasing to be in practice as an insolvency practitioner, or
- (b) there is some conflict of interest, or change of personal circumstances, which precludes or makes impracticable the further discharge by him of the duties of energy administrator.

(2) The energy administrator may, with the permission of the court, give notice of his resignation on grounds other than those specified in paragraph (1).

Notice of intention to resign

82. The energy administrator shall in all cases give at least 7 days notice in Form EA23 of his intention to resign, or to apply for the court's permission to do so, to the following persons—

- (a) the Secretary of State;
- (b) GEMA;
- (c) if there is a continuing energy administrator of the protected energy company, to him; and
- (d) if there is no such energy administrator, to the protected energy company and its creditors.

Notice of resignation

83.—(1) The notice of resignation shall be in Form EA24.

(2) The notice shall be filed with the court, and a copy sent to the registrar of companies. A copy of the notice of resignation shall be sent not more than 5 business days after it has been filed with the court to all those to whom notice of intention to resign was sent.

Application to court to remove energy administrator from office

84.—(1) Any application under paragraph 88 of Schedule B1 to the 1986 Act shall state the grounds on which it is requested that the energy administrator should be removed from office.

(2) Service of the notice of the application shall be effected on the energy administrator, the Secretary of State, GEMA, the joint energy administrator (if any), and where there is not a joint energy administrator, to the protected energy company and all the creditors, including any floating charge holders, not less than 5 business days before the date fixed for the application to be heard.

(3) Where a court makes an order removing the energy administrator it shall give a copy of the order to the applicant who as soon as reasonably practicable shall send a copy to the energy administrator.

(4) The applicant shall also within 5 business days of the order being made send a copy of the order to all those to whom notice of the application was sent.

(5) A copy of the order shall also be sent to the registrar of companies in Form EA25 within the same time period.

Notice of vacation of office when energy administrator ceases to be qualified to act

85. Where the energy administrator who has ceased to be qualified to act as an insolvency practitioner in relation to the protected energy company gives notice in accordance with paragraph 89 of Schedule B1 to the 1986 Act, he shall also give notice to the registrar of companies in Form EA25.

Energy administrator deceased

86.—(1) Subject as follows, where the energy administrator has died, it is the duty of his personal representatives to give notice of the fact to the court, specifying the date of death. This does not apply if notice has been given under either paragraph (2) or (3) of this Rule.

(2) If the deceased energy administrator was a partner in a firm, notice may be given by a partner in the firm who is qualified to act as an insolvency practitioner, or is a member of any body recognised by the Secretary of State for the authorisation of insolvency practitioners.

(3) Notice of the death may be given by any person producing to the court the relevant death certificate or a copy of it.

(4) Where a person gives notice to the court under this Rule, he shall also give notice to the registrar of companies in Form EA25.

Application to replace

87.—(1) Where an application is made to court under paragraph 91(1) of Schedule B1 to the 1986 Act to appoint a replacement energy administrator, the application shall be accompanied by a written statement in Form EA2 by the person proposed to be the replacement energy administrator.

(2) A copy of the application shall be served, in addition to those persons listed in section 156(2) of the 2004 Act and Rule 8(3), on the person who made the application for the energy administration order.

(3) Rule 10 shall apply to the service of an application under paragraph 91(1) of Schedule B1 of the 1986 Act as it applies to service in accordance with Rule 8.

(4) Rules 11, 12 and 13(1) and 13(2) apply to an application under paragraph 91(1) of Schedule B1 to the 1986 Act.

Notification and advertisement of appointment of replacement energy administrator

88. Where a replacement energy administrator is appointed, the same provisions apply in respect of giving notice of, and advertising, the replacement appointment as in the case of the appointment (subject to Rule 90), and all statements, consents etc as are required shall also be required in the case of the appointment of a replacement. All forms and notices shall clearly identify that the appointment is of a replacement energy administrator.

Notification and advertisement of appointment of joint energy administrator

89. Where, after an initial appointment has been made, an additional person or persons are to be appointed as joint energy administrator the same Rules shall apply in respect of giving notice of and advertising the appointment as in the case of the initial appointment, subject to Rule 90.

Notification to registrar of companies

90. The replacement or additional energy administrator shall send notice of the appointment in Form EA26 to the registrar of companies.

Energy administrator's duties on vacating office

91.—(1) Where the energy administrator ceases to be in office as such, in consequence of removal, resignation or cesser of qualification as an insolvency practitioner, he is under obligation as soon as reasonably practicable to deliver up to the person succeeding him as energy administrator the assets (after deduction of any expenses properly incurred and distributions made by him) and further to deliver up to that person—

- (a) the records of the energy administration, including correspondence, proofs and other related papers appertaining to the energy administration while it was within his responsibility; and
- (b) the protected energy company's books, papers and other records.

(2) If the energy administrator makes default in complying with this Rule, he is liable to a fine and, for continued contravention, to a daily default fine.