
STATUTORY INSTRUMENTS

2013 No. 1046

The Energy Supply Company Administration Rules 2013

PART 16

Interpretation and application

“Debt”, “liability”

205.—(1) “Debt”, in relation to the energy supply company administration of an energy supply company, means (subject to the next paragraph) any of the following—

- (a) any debt or liability to which the energy supply company is subject at the date on which it goes into energy supply company administration;
- (b) any debt or liability to which the energy supply company may become subject after that date by reason of any obligation incurred before that date; and
- (c) any interest provable as mentioned in Rule 57(1).

(2) For the purpose of any provision of the 1986 Act, section 154 to 171 of and Schedule 20 and 21 to the 2004 Act, section 93 to 102 of the 2011 Act, or these Rules about energy supply company administration, any liability in tort is a debt provable in the energy supply company administration if either—

- (a) the cause of action has accrued at the date on which the energy supply company entered energy supply company administration; or
- (b) all the elements necessary to establish the cause of action exist at that date except for actionable damage.

(3) For the purposes of references in any provision of the 1986 Act, section 154 to 171 of and Schedules 20 and 21 to the 2004 Act, or these Rules, to a debt or liability, it is immaterial whether the amount is fixed or liquidated, or is capable of being ascertained by fixed rules or as a matter of opinion; and references in any such provision to owing a debt are to be read accordingly.

(4) In any provision of the 1986 Act, section 154 to 171 of and Schedule 20 and 21 to the 2004 Act, or these Rules, except in so far as the context otherwise requires, “liability” means (subject to paragraph (3) above) a liability to pay money or money's worth, including any liability under an enactment, any liability for breach of trust, any liability in contract, tort or bailment, and any liability arising out of an obligation to make restitution.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Supply Company Administration Rules 2013, Section 205.