
STATUTORY INSTRUMENTS

2013 No. 1047

**The Energy Supply Company
Administration (Scotland) Rules 2013**

Part 1

Interpretation and Application

Citation and commencement

1. These Rules may be cited as the Energy Supply Company Administration (Scotland) Rules 2013 and shall come into force on 7th June 2013.

Construction and interpretation

2.—(1) In these Rules—

“the 1986 Act” means the Insolvency Act 1986;

“the 2004 Act” means the Energy Act 2004;

“the 2011 Act” means the Energy Act 2011⁽¹⁾;

“accounting period” shall be construed as follows—

- (a) the first accounting period is the period of six months beginning with the date on which the energy supply company entered energy supply company administration; and
- (b) any subsequent accounting period shall be the period of six months beginning with the end of the last accounting period;

“administrative receiver” has the same meaning as in section 156(4) of the 2004 Act (applications for energy administration orders);

“the Companies Act” means the Companies Act 2006⁽²⁾;

“GEMA” means the Gas and Electricity Markets Authority;

“insolvency proceedings” means any proceedings under the first group of parts in the 1986 Act or under the Insolvency (Scotland) Rules 1986⁽³⁾;

“pre-energy supply company administration costs” has the meaning given in Rule 15(2)(a);

“prescribed part” has the same meaning as it does in section 176A(2)(a) of the 1986 Act (share of assets for unsecured creditors)⁽⁴⁾;

“responsible insolvency practitioner” means, in relation to any insolvency proceedings, the person acting as supervisor of a voluntary arrangement under Part I of the 1986 Act, or as receiver, liquidator or provisional liquidator;

(1) 2011 c.16.

(2) 2006 c.46.

(3) S.I. 1986/1915, as amended by S.I. 1987/1921, 1999/1820, 2001/4040, 2002/2709, 2003/2108, 2003/2109, 2003/2111, 2006/734, 2006/735, 2008/393, 2008/662, 2009/662, 2009/2375 and 2010/688.

(4) Section 176A was inserted by the Enterprise Act 2002 (c.40), section 252.

“standard content” means—

- (a) in relation to a notice to be published or advertised in the Edinburgh Gazette, the contents specified in Rule 97(2); and
- (b) in relation to a notice to be advertised in any other way, the contents specified in Rule 98(2); and

“venue” means, in respect of any proceedings or meetings, the time, date and place for the proceedings or meeting.

(2) References to provisions of Schedule B1 to the 1986 Act⁽⁵⁾ are references to those provisions as modified and applied by Schedule 20 to the 2004 Act unless otherwise stated.

(3) 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 unless otherwise stated.

(4) Where the energy supply company is a non GB company within the meaning of section 102 of the 2011 Act (interpretation of chapter 5), references in these 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.

(5) References to provisions of the 2004 Act are, where those provisions have been modified by the 2011 Act⁽⁶⁾, references to those provisions as so modified unless otherwise stated.

(6) Where the energy supply 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 1043 of the Companies Act (unregistered companies).

(7) A document or information given, delivered or sent in hard copy under any Rule is sufficiently authenticated if it is signed by the person sending or supplying it.

(8) A document or information given, delivered or sent in electronic form under any Rule is sufficiently authenticated—

- (a) if the identity of the sender is confirmed in a manner specified by the recipient; or
- (b) where no such manner has been specified by the recipient, if the communication contained or is accompanied by a statement of the identity of the sender and the recipient has no reason to doubt the truth of that statement.

Application

3. These Rules apply in relation to energy supply companies which the courts in Scotland have jurisdiction to wind up.

(5) Schedule B1 was inserted by the Enterprise Act 2002 (c.40), section 248 and Schedule 16.

(6) Sections 156 to 167 of, and Schedules 20 and 21 to, the Energy Act 2004 (special administration regime for energy licensees) which include the provisions of that Act referred to in these Rules were modified in relation to their application to energy supply company administration orders by the Energy Act 2011 (c.16), section 96.