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STATUTORY INSTRUMENTS

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**2023 No. 712**

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

**PART 1**

**Introduction**

**Citation, commencement and extent**

**1.—**(1) These Rules may be cited as the Relevant Licensee Nuclear Company Administration (England and Wales) Rules 2023.

(2) These Rules—

- (a) come into force 21 days after the date on which they are laid;
- (b) extend to England and Wales.

**Application**

**2.—**(1) These Rules apply in relation to a relevant licensee nuclear company<sup>(1)</sup>—

- (a) which the courts in England and Wales have jurisdiction to wind up, and
- (b) where relevant licensee nuclear company administration proceedings are commenced on or after the date on which these Rules come into force.

(2) Nothing contained in the Insolvency Rules applies to relevant licensee nuclear company administration proceedings commenced on or after the date on which these Rules come into force.

**Interpretation**

**3.—**(1) In these Rules—

“the 1986 Act” means the Insolvency Act 1986;

“the 2004 Act” means the Energy Act 2004;

“the 2022 Act” means the Nuclear Energy (Financing) Act 2022;

“authenticated” is to be interpreted in accordance with rule 157;

“business day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under or by virtue of the Banking and Financial Dealings Act 1971<sup>(2)</sup>;

“contributory” has the same meaning as in section 79 of the 1986 Act<sup>(3)</sup>;

“CPR” means the Civil Procedure Rules 1998<sup>(4)</sup>;

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<sup>(1)</sup> For the meaning of “relevant licensee nuclear company” see section 1(4) of the Nuclear Energy (Financing) Act 2022.

<sup>(2)</sup> 1971 c. 80. There are amending Acts and instruments, but none is relevant.

<sup>(3)</sup> Section 79 was amended by S.I. 2009/1941.

<sup>(4)</sup> S.I. 1998/3132.

“deliver” is to be interpreted in accordance with Chapter 1 of Part 13;

“delivery” is to be interpreted in accordance with Chapter 1 of Part 13;

“district judge of the High Court” means a district judge sitting in an assigned district registry as a district judge of the High Court under section 100 of the Senior Courts Act 1981(5);

“enforcement agent” means a person who is able to act in accordance with section 63(2) of the Tribunals, Courts and Enforcement Act 2007(6) as an enforcement agent;

“enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003(7);

“file with the court” means deliver to the court for filing;

“the Gazette” means the London Gazette;

“gazetted” means advertised once in the London Gazette;

“High Court Judge” means a judge referred to in section 4(1) of the Senior Courts Act 1981(8);

“Insolvency and Companies Court Judge” means a person appointed to the office of Insolvency and Companies Court Judge under section 89(1) of the Senior Courts Act 1981(9);

“insolvency proceedings” means any proceedings under the 1986 Act or the Insolvency Rules;

“the Insolvency Rules” means the Insolvency (England and Wales) Rules 2016(10);

“IP number” means the number assigned to a person as an insolvency practitioner by the Secretary of State;

“joint nuclear administrator” means a person appointed to act jointly or concurrently as nuclear administrator of the relevant licensee nuclear company;

“practice direction” means a direction as to the practice and procedure of any court within the scope of the CPR;

“prescribed part” has the same meaning as in section 176A(2) of the 1986 Act(11);

“pre-relevant-licensee-nuclear-company-administration costs” are the fees charged and expenses incurred by—

- (a) the nuclear administrator, or
- (b) another person qualified to act as an insolvency practitioner,

before the relevant licensee nuclear company entered relevant licensee nuclear administration but with a view to its doing so;

“proof”, in relation to a debt, has the meaning given in rule 44(2);

“proving”, in relation to a debt, has the meaning given in rule 44(2);

“qualified to act as an insolvency practitioner” has the meaning given by Part 13 of the 1986 Act;

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- (5) 1981 c. 54. Section 100 was substituted by the Constitutional Reform Act 2005, Schedule 3, paragraph 2 and amended by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Schedule 11, paragraph 2.
- (6) 2007 c. 15.
- (7) 2003 c. 39. See Schedule 7 to the Act.
- (8) Section 4(1) was amended by the Courts and Legal Services Act 1990 (c. 41), section 72, the Access to Justice Act 1999 (c. 22), section 69, the Constitutional Reform Act 2005, Schedule 4, paragraph 117, and the Crime and Courts Act 2013 (c. 22), Schedule 13, paragraph 14. There are other amendments to section 4, but none is relevant.
- (9) Section 89(1) was amended by the Constitutional Reform Act 2005, Schedule 3, paragraph 3 and Schedule 11, paragraph 26. Section 89(1) refers to offices listed in Parts 2 and 3 of Schedule 2 to the Act. The reference to “Registrar in Bankruptcy of the High Court” was replaced with a reference to “Insolvency and Companies Court Judge” by S.I. 2018/130.
- (10) S.I. 2016/1024, as amended by S.I. 2017/366, 2017/369, 2017/702, 2017/1115, 2017/1119, 2018/130, 2019/146, 2019/138, 2021/672 and 2021/1028.
- (11) Section 176A was inserted by the Enterprise Act 2002 (c. 40), section 252 and amended by S.I. 2008/948 and the Corporate Insolvency and Governance Act 2020 (c. 12), Schedule 9, paragraph 6.

“qualifying floating charge” is to be interpreted in accordance with paragraph 14(2) of Schedule B1 to the 1986 Act(12);

“registrar of companies” means the registrar of companies for England and Wales;

“relevant licensee nuclear company administration” means administration entered into pursuant to the making of an RLNC administration order(13);

“relevant licensee nuclear company administration proceedings” means any proceedings under—

- (a) sections 156 to 167 of, and Schedules 20 and 21 to, the 2004 Act(14);
- (b) Part 3 of the 2022 Act;
- (c) these Rules;

“serve” is to be interpreted in respect of a particular document by reference to Chapter 3 of Part 13;

“service” is to be interpreted in respect of a particular document by reference to Chapter 3 of Part 13;

“solicitor” means a solicitor of the Senior Courts and includes any other person who, for the purposes of the Legal Services Act 2007(15) (“the 2007 Act”) is—

- (a) an authorised person in relation to an activity which constitutes the conduct of litigation within the meaning of the 2007 Act, or
- (b) exempt from such authorisation by virtue of section 19 of, and Schedule 3 to, the 2007 Act(16);

“the standard fee” means—

- (a) 15 pence per A4 or A5 page;
- (b) 30 pence per A3 page;

“statement of proposals” has the meaning given in rule 21;

“statement of truth” means a statement of truth made in accordance with CPR Part 22(17);

“unpaid pre-relevant-licensee-nuclear-company-administration costs” are pre-relevant-licensee-nuclear-company-administration costs which had not been paid when the relevant licensee nuclear company entered relevant licensee nuclear company administration;

“venue” means, in relation to any proceedings, attendance before court or meeting, the—

- (a) time, date, and place for the proceedings, attendance or meeting;
- (b) where a meeting is held in accordance with section 246A of the 1986 Act(18) without any place being specified for it, the time and date of the meeting;

“witness statement” means a witness statement made in accordance with CPR Part 32(19) and verified by a statement of truth.

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(12) Schedule B1 was inserted by the Enterprise Act 2002, Schedule 16, paragraph 1 (as amended by S.I. 2003/2096).

(13) See section 31(1) of the 2022 Act.

(14) Section 159 was amended by the Energy Act 2011 (c. 16), section 97 and the Nuclear Energy (Financing) Act 2022, section 34. Section 166 was amended by the Energy Act 2011, section 93. Schedule 20 was amended by S.I. 2009/1941, the Financial Services Act 2012 (c. 21), Schedule 18, paragraph 101, the Energy Act 2011, section 101 and the Corporate Insolvency and Governance Act 2020, Schedule 9, paragraph 27. Schedule 21 was amended by S.I. 2019/530.

(15) 2007 c. 29.

(16) Schedule 3 was amended by S.I. 2020/1342.

(17) Part 22 was amended by S.I. 2001/1769, 2001/4015, 2004/3419 and 2023/105.

(18) Section 246A was inserted by S.I. 2010/18. It was amended by the Small Business, Enterprise and Employment Act 2015 (c. 26), and the Corporate Insolvency and Governance Act 2020, Schedule 3, paragraph 17.

(19) There are amendments to Part 32 but these are not relevant to these Regulations.

(2) If a provision of the 1986 Act referred to in these Rules has been modified by Schedule 20 to the 2004 Act (as applied and modified by the 2022 Act), that reference is to the provision of the 1986 Act as so modified.

(3) References to provisions of the 2004 Act are, where those provisions have been applied and modified by the 2022 Act, references to those provisions as so modified.

**Interpretation: “debt”; “liability”**

4.—(1) In these Rules “debt” means (subject to paragraph (2)) any of the following—

- (a) any debt or liability to which the relevant licensee nuclear company is subject at the date on which it entered relevant licensee nuclear company administration;
- (b) any debt or liability to which the relevant licensee nuclear company may become subject after that date by reason of any obligation incurred before that date;
- (c) any interest provable as mentioned in rule 58(1).

(2) For the purpose of any provision of the 1986 Act, sections 154 to 171 of and Schedule 20 and 21 to the 2004 Act<sup>(20)</sup>, the 2022 Act, or these Rules, any liability in tort is a debt provable in the relevant licensee nuclear company administration if either—

- (a) the cause of action has accrued at the date on which the relevant licensee nuclear company entered relevant licensee nuclear 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, sections 154 to 171 of and Schedules 20 and 21 to the 2004 Act, the 2022 Act or these Rules, to a debt or liability, it is immaterial whether the debt or liability is present or future, whether it is certain or contingent, or whether its 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, sections 154 to 171 of and Schedules 20 and 21 to the 2004 Act, or these Rules, except in so far as the context otherwise requires, “liability” means (subject to paragraph (2)) 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.

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<sup>(20)</sup> Section 170 was amended by the Energy Act 2011, section 100 and the Nuclear Energy (Financing) Act 2022, section 37. Section 171 was amended by S.I. 2009/1941.