



2011 CHAPTER 6

PART 2

SPECIAL ADMINISTRATION REGIME FOR PROTECTED ENERGY COMPANIES

Licence modifications relating to energy administration

PROSPECTIVE

Licence condition to secure funding of energy administration

32.—(1) The modifications that may be made under section 31 include, in particular, modifications imposing conditions requiring the licence holder (L)

- (a) so to modify the charges imposed by L for anything done by L in the carrying on of the licensed activities as to raise such amounts as may be determined by or under the conditions; and
- (b) to pay the amounts so raised to such persons as may be so determined for the purpose of—
 - (i) their applying those amounts in making good any shortfall in the property available for meeting the expenses of an energy administration; or
 - (ii) enabling those persons to secure that those amounts are so applied.

(2) Those modifications may include modifications imposing on L an obligation to apply amounts paid to L in pursuance of conditions falling within subsection (1)(a) or (b) in making good any such shortfall.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Energy Act (Northern Ireland) 2011, Section 32. (See end of Document for details)

(3) For the purposes of this section—

- (a) there is a shortfall in the property available for meeting the costs of an energy administration if, in a case where a company is or has been subject to an energy administration order, the property available (apart from conditions falling within subsection (1) or (2)) for meeting relevant debts is insufficient for meeting them; and
- (b) amounts are applied in making good that shortfall if they are paid in or towards discharging so much of a relevant debt as cannot be met out of the property otherwise available for meeting relevant debts.

(4) In this section “relevant debt”, in relation to a case in which a company is or has been subject to an energy administration order, means an obligation—

- (a) to make payments in respect of the expenses or remuneration of any person as the energy administrator of that company;
- (b) to make a payment in discharge of a debt or liability of that company arising out of a contract entered into at a time when the order was in force by the person who at that time was the energy administrator of that company;
- (c) to repay the whole or a part of a grant made to that company under section 28;
- (d) to repay a loan made to the company under that section, or to pay interest on such a loan;
- (e) to make a payment under section 29(4); or
- (f) to make a payment under section 30(5).

Modifications etc. (not altering text)

- C1** Ss. 19-33: power to apply (with modifications) conferred (26.10.2023) by [Energy Act 2023](#) (c. 52), s. 334(2)(l), [Sch. 18 para. 50](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Energy Act (Northern Ireland) 2011, Section 32.