



Energy Act 2004

2004 CHAPTER 20

PART 3

ENERGY REGULATION

CHAPTER 3

SPECIAL ADMINISTRATION REGIME FOR ENERGY LICENSEES

Energy administration orders

158 Energy administrators

- (1) The energy administrator of a company—
 - (a) is an officer of the court; and
 - (b) in exercising and performing his powers and duties in relation to the company, is the company's agent.
- (2) The management by the energy administrator of a company of any affairs, business or property of the company must be carried out for the purpose of achieving the objective of the energy administration as quickly and as efficiently as is reasonably practicable.
- (3) The energy administrator of a company must exercise and perform his powers and duties in the manner which, so far as it is consistent with the objective of the energy administration to do so, best protects—
 - (a) the interests of the creditors of the company as a whole; and
 - (b) subject to those interests, the interests of the members of the company as a whole.
- (4) A person is not to be the energy administrator of a company unless he is a person qualified to act as an insolvency practitioner in relation to the company.

Status: Point in time view as at 01/08/2020. This version of this provision has been superseded.

Changes to legislation: Energy Act 2004, Section 158 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Where the court makes an appointment in a case in which two or more persons will be the energy administrator of a company after the appointment, the appointment must set out—
- (a) which (if any) of the powers and duties of an energy administrator are to be exercisable or performed only by those persons acting jointly;
 - (b) the circumstances (if any) in which powers and duties of an energy administrator are to be exercisable, or may be performed, by one of the persons appointed to be the energy administrator, or by particular appointees, acting alone; and
 - (c) the circumstances (if any) in which things done in relation to one of the persons appointed to be the energy administrator, or in relation to particular appointees, are to be treated as done in relation to all of them.

Modifications etc. (not altering text)

- C1** Ss. 154-171 modified (1.10.2005) by [Energy Administration Rules 2005 \(S.I. 2005/2483\)](#), rules 1, **184** (with rules 3, 187)
- C2** Ss. 156-167 applied (with modifications) (18.12.2011) by [Energy Act 2011 \(c. 16\)](#), ss. **96(1)-(4)**, 121(3)
- C3** Ss. 154-171 modified (7.6.2013) by [The Energy Supply Company Administration Rules 2013 \(S.I. 2013/1046\)](#), rules 1, **205(2)-(4)** (with rules 3, 208)
- C4** Ss. 156-167 applied (with modifications) (23.7.2018) by [Smart Meters Act 2018 \(c. 14\)](#), ss. **4(1)-(4)**, 14(5)
- C5** Ss. 154-171 modified (E.W.) (1.8.2020) by [The Smart Meter Communication Licensee Administration \(England and Wales\) Rules 2020 \(S.I. 2020/629\)](#), rules 1, **3(2)-(4)** (with rule 4(1))

Commencement Information

- I1** S. 158 in force at 5.10.2004 by [S.I. 2004/2575](#), art. 2(1), **Sch. 1**

Status:

Point in time view as at 01/08/2020. This version of this provision has been superseded.

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