



Nuclear Energy (Financing) Act 2022

2022 CHAPTER 15

PART 3

SPECIAL ADMINISTRATION REGIME

Relevant licensee nuclear company administration orders

32 Objective of a relevant licensee nuclear company administration

- (1) The objective of a relevant licensee nuclear company administration is to secure—
 - (a) that electricity generation commences, or continues, at the nuclear installation in respect of which the relevant licensee nuclear company to which the administration relates holds a relevant licence, and
 - (b) that it becomes unnecessary, by one or both of the following means, for the RLNC administration order to remain in force for that purpose.
- (2) Those means are—
 - (a) the rescue as a going concern of the company subject to the RLNC administration order, and
 - (b) transfers falling within subsection (3).
- (3) A transfer falls within this subsection if it is a transfer as a going concern—
 - (a) to another company, or
 - (b) as respects different parts of the undertaking of the company subject to the RLNC administration order, to two or more different companies,of so much of that undertaking as it is appropriate to transfer for the purpose of achieving the objective of the relevant licensee nuclear company administration.
- (4) The means by which transfers falling within subsection (3) may be effected include, in particular—
 - (a) a transfer of the undertaking of the company subject to the RLNC administration order, or of a part of its undertaking, to a wholly-owned subsidiary of that company, and

Status: This is the original version (as it was originally enacted).

- (b) a transfer to a company of securities of a wholly-owned subsidiary to which there has been a transfer falling within paragraph (a).
- (5) The objective of a relevant licensee nuclear company administration may be achieved by a transfer falling within subsection (3) to the extent only that—
- (a) the rescue as a going concern of the company subject to the RLNC administration order is not reasonably practicable or is not reasonably practicable without such a transfer,
 - (b) the rescue of that company as a going concern will not achieve that objective or will not do so without such a transfer,
 - (c) such a transfer would produce a result for the company’s creditors as a whole that is better than the result that would be produced without it, or
 - (d) such a transfer would, without prejudicing the interests of those creditors as a whole, produce a result for the company's members as a whole that is better than the result that would be produced without it.
- (6) In this section, “nuclear installation” has the same meaning as in the Nuclear Installations Act 1965.