

## SCHEDULES

### SCHEDULE 18

#### HEAT NETWORKS REGULATION

#### PART 9

##### SPECIAL ADMINISTRATION REGIME

- 47 The regulations may make provision for, or in connection with, a special administration regime for companies that are holders of heat network authorisations.
- 48 (1) The regulations may make provision for a court to make an order (a “heat network administration order”) in relation to a company that is the holder of a heat network authorisation directing that the affairs, business and property of the company are to be managed by a person appointed by the court (referred to in [this Part](#) as the heat network administrator of the company).
- (2) The regulations may make provision about the court that has jurisdiction in a particular case.
- (3) The regulations may limit the effect of a heat network administration order applying to a non-GB company or a non-NI company to—
- (a) its affairs and business so far as carried on in Great Britain or Northern Ireland (as the case may be), and
  - (b) its property in Great Britain or Northern Ireland (as the case may be).
- 49 (1) The regulations may make provision about the objectives of a heat network administration order and the means by which the objectives may be secured.
- (2) The regulations may, in particular, require the heat network administrator to exercise functions so as to achieve the objectives set out in [sub-paragraph \(3\)](#) so far as possible.
- (3) The objectives referred to in [sub-paragraph \(2\)](#) are—
- (a) to secure that the supply of heating, cooling or hot water is continued at the lowest cost which it is reasonably practicable to incur,
  - (b) to secure that the company’s relevant heat network is and continues to be maintained and developed as an efficient and economical system, and
  - (c) to secure that it becomes unnecessary, by using such means as are allowed by the regulations, for the heat network administration order to remain in force.
- (4) The regulations may make provision about the means that may be used, including—
- (a) the rescue as a going concern of the company subject to the heat network administration order;

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*Status: This is the original version (as it was originally enacted).*

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- (b) a transfer as a going concern of so much of the undertaking of the company subject to the heat network administration order as is associated with the company's relevant heat network.
- (5) Regulations made by virtue of [sub-paragraph \(4\)](#) may also provide for the heat network administrator to make arrangements for securing that heat network consumers who are supplied with heating, cooling or hot water by the company's relevant heat network have an alternative supply of heating, cooling or hot water (as the case may be).
- (6) The regulations may make provision about—
- (a) the means by which a transfer falling within [sub-paragraph \(4\)\(b\)](#) may be effected;
  - (b) the circumstances in which the objectives set out in [sub-paragraph \(3\)](#) may or may not be achieved by means of such a transfer.
- (7) In [this paragraph](#), “the company's relevant heat network”, in relation to a company that is the holder of a heat network authorisation, means the relevant heat network to which the authorisation relates.
- 50 (1) The regulations may make provision for applying, with such modifications as appear to the appropriate authority to be appropriate, the provisions mentioned in [sub-paragraph \(2\)](#).
- (2) The provisions referred to in [sub-paragraph \(1\)](#) are—
- (a) sections 156 to 167 of, and Schedules 20 and 21 to, the Energy Act 2004 (special administration regime for energy licensees);
  - (b) sections 171 and 196 of the Energy Act 2004 (interpretation), so far as relating to the provisions mentioned in [paragraph \(a\)](#);
  - (c) sections 19 to 33 of, and the Schedule to, the Energy Act (Northern Ireland) 2011 (c. 6 (N.I.)) (special administration regime for protected energy companies);
  - (d) section 35 of the Energy Act (Northern Ireland) 2011 (interpretation), so far as relating to the provisions mentioned in [paragraph \(c\)](#).
- (3) In [this paragraph](#), “the appropriate authority” means—
- (a) in relation to England and Wales and Scotland, the Secretary of State;
  - (b) in relation to Northern Ireland, the Department.
- 51 In [this Part](#)—
- “company” means—
- (a) a company registered under the Companies Act 2006, or
  - (b) an unregistered company;
- “heat network administration order” has the meaning given by [paragraph 48](#);
- “heat network administrator” has the meaning given by [paragraph 48](#);
- “non-GB company” means a company incorporated outside Great Britain;
- “non-NI company” means a company incorporated outside Northern Ireland;
- “unregistered company” means a company that is not registered under the Companies Act 2006.