
STATUTORY INSTRUMENTS

2013 No. 1046

The Energy Supply Company Administration Rules 2013

PART 4

Meetings and reports

CHAPTER 1

Creditors' meetings

Creditors' meetings generally

22.—(1) This Rule applies to creditors' meetings summoned by the energy administrator under paragraph 62 of Schedule B1 to the 1986 Act.

(2) Notice of a creditors' meeting must be in Form ESCA9.

(3) In fixing the venue for the meeting, the energy administrator must have regard to the convenience of creditors and the meeting must be summoned for commencement between 10.00 and 16.00 on a business day, unless the court otherwise directs.

(4) Subject to paragraphs (6) and (7), at least 14 days' notice of the meeting must be given to all creditors who are known to the energy administrator and had claims against the energy supply company at the date when the energy supply company entered energy supply company administration unless that creditor has subsequently been paid in full, and the notice must—

- (a) specify the purpose of the meeting;
- (b) contain a statement of the effect of Rule 25 (entitlement to vote); and
- (c) contain the forms of proxy.

(5) As soon as reasonably practicable after notice of the meeting has been given, the energy administrator must have gazetted a notice which, in addition to the standard contents, must state—

- (a) that a creditors' meeting is to take place;
- (b) the venue fixed for the meeting;
- (c) the purpose of the meeting; and
- (d) a statement of the effect of Rule 25 (entitlement to vote).

(6) If within 30 minutes from the time fixed for the commencement of the meeting there is no person present to act as chair, the meeting stands adjourned to the same time and place in the following week or, if that is not a business day, the business day immediately following.

(7) If within 30 minutes from the time fixed for the commencement of the meeting those persons attending the meeting do not constitute a quorum, the chair may adjourn the meeting to such time and place as the chair may appoint.

(8) Once only in the course of the meeting the chair may, without an adjournment, declare the meeting suspended for a period up to 1 hour.

(9) The chair may, and must if the meeting so resolves, adjourn the meeting to such time and place as seems to the chair to be appropriate in the circumstances.

(10) An adjournment under paragraph (9) must not be for a period of more than 14 days, subject to a direction of the court.

(11) If there are subsequently further adjournments, the final adjournment must not be to a day later than 14 days after the date on which the meeting was originally held, subject to a direction of the court.

(12) Where a meeting is adjourned under this Rule, proofs and proxies may be used if lodged at any time up to 12.00 hours on the business day immediately before the adjourned meeting.

(13) Paragraph (3) applies with regard to the venue fixed for a meeting adjourned under this Rule.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Supply Company Administration Rules 2013, Section 22.