
STATUTORY INSTRUMENTS

2013 No. 1046

The Energy Supply Company Administration Rules 2013

PART 4

Meetings and reports

CHAPTER 1

Creditors' meetings

Entitlement to vote

25.—(1) Subject as follows, at a meeting of creditors in energy supply company administration proceedings a person is entitled to vote only if—

- (a) the person has given to the energy administrator, not later than 12.00 hours on the business day before the day fixed for the meeting, details in writing of the debt which the person claims to be due to that person from the energy supply company;
- (b) the claim has been duly admitted under Rule 26 or this Rule; and
- (c) there has been lodged with the energy administrator any proxy which the person intends to be used on the person's behalf,

and details of the debt must include any calculation for the purposes of Rules 27 to 29.

(2) The chair of the meeting may allow a creditor to vote, notwithstanding that the creditor has failed to comply with paragraph (1)(a), if satisfied that the failure was due to circumstances beyond the creditor's control.

(3) The chair of the meeting may call for any document or other evidence to be produced to the chair, where the chair thinks it necessary for the purpose of substantiating the whole or any part of the claim.

(4) Votes are calculated according to the amount of a creditor's claim as at the date on which the energy supply company entered energy supply company administration, less any payments that have been made to the creditor after that date in respect of the claim and any adjustment by way of set-off in accordance with Rule 54 as if that Rule were applied on the date that the votes are counted.

(5) A creditor shall not vote in respect of a debt for an unliquidated amount, or any debt whose value is not ascertained, except where the chair agrees to put upon the debt an estimated minimum value for the purpose of entitlement to vote and admits the claim for that purpose.

(6) No vote shall be cast by virtue of a claim more than once on any resolution put to the meeting.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Supply Company Administration Rules 2013, Section 25.