
STATUTORY INSTRUMENTS

2013 No. 1047

**The Energy Supply Company
Administration (Scotland) Rules 2013**

Part 6

Distribution of Assets

Expenses of the energy supply company administration

47.—(1) The expenses of the energy supply company administration are payable out of the assets in the following order of priority—

- (a) any outlays properly chargeable or incurred by the energy administrator in carrying out the energy administrator's functions in the energy supply company administration, except those outlays specifically mentioned in the following sub-paragraphs;
- (b) the cost, or proportionate cost, of any caution provided by the energy administrator in accordance with the 1986 Act or these Rules;
- (c) the expenses of the applicant and any person appearing on the hearing of the application for the energy supply company administration order whose expenses are allowed by the court;
- (d) any amount payable to a person employed or authorised, under Part 3 of these Rules, to assist in the preparation of a statement of affairs or statement of concurrence;
- (e) any allowance made, by order of the court, towards expenses on an application for release from the obligation to submit a statement of affairs or statement of concurrence;
- (f) the remuneration or emoluments of any person who has been employed by the energy administrator to perform any services for the energy supply company, as required or authorised under the 1986 Act, the 2004 Act or these Rules;
- (g) the remuneration of the energy administrator determined under Rule 50; and
- (h) the amount of any corporation tax on chargeable gains accruing on the realisation of any asset of the energy supply company (without regard to whether the realisation is effected by the energy administrator, a secured creditor, or otherwise).

(2) Nothing in this Rule applies to or affects the power of any court in proceedings by or against the energy supply company, to order expenses to be paid by the energy supply company or the energy administrator, nor does it affect the rights of any person to whom such expenses are ordered to be paid.

(3) The priorities laid down by paragraph (1) of this Rule are subject to the power of the court to make orders under paragraph (4) of this Rule where the assets are insufficient to satisfy the liabilities.

(4) The court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the expenses incurred in the energy supply company administration in such order of priority as the court thinks just.