
STATUTORY INSTRUMENTS

2020 No. 629

**The Smart Meter Communication Licensee
Administration (England and Wales) Rules 2020**

PART 3

Process of SMCL administration

Notification and advertisement of SMCL administrator's appointment

13.—(1) The SMCL administrator must, as soon as reasonably practicable after the date of the SMCL administration order, deliver a notice of the appointment—

- (a) if the application for the SMCL administration order was made by the Secretary of State, to GEMA;
 - (b) if the application for the SMCL administration order was made by GEMA, to the Secretary of State;
 - (c) to any holder of a qualifying floating charge who, to the SMCL administrator's knowledge, has served notice in accordance with section 163 of the 2004 Act⁽¹⁾ that the person is seeking to appoint an administrator;
 - (d) if a receiver or an administrative receiver has been appointed, to that person;
 - (e) to any person who has applied to the court for an administration order under Schedule B1 to the 1986 Act, without the modifications made by Schedule 20 to the 2004 Act, in relation to the SMCL;
 - (f) if there is pending a petition for the winding up of the SMCL, to the petitioner and also to the provisional liquidator (if any);
 - (g) to any supervisor of a voluntary arrangement under Part 1 of the 1986 Act;
 - (h) to any creditor who, to the SMCL administrator's knowledge, has served notice in accordance with section 164 of the 2004 Act of that person's intention to enforce that person's security over property of the SMCL;
 - (i) to any enforcement officer, enforcement agent or other officer who, to the SMCL administrator's knowledge, is charged with distress or other legal process against the SMCL or its property; and
 - (j) to any person who, to the SMCL administrator's knowledge, has distrained against the SMCL or its property.
- (2) The notice of appointment must state—
- (a) that an SMCL administrator has been appointed; and
 - (b) the date of the appointment.
- (3) The SMCL administrator—

⁽¹⁾ Section 163(2) of the 2004 Act prevents an appointment from taking effect under paragraph 14 of Schedule B1 to the 1986 Act (appointment of administrator by holder of floating charge) unless the conditions in section 163(3) of the 2004 Act are met.

- (a) must, as soon as reasonably practicable after the date of the SMCL administration order, have gazetted the notice of appointment; and
 - (b) may advertise the notice of appointment in such other manner as the SMCL administrator thinks fit.
- (4) Where, under a provision of Schedule B1 to the 1986 Act or these Rules, the SMCL administrator is required to deliver a notice of the appointment to any person, the notice must—
- (a) be headed “Notice of SMCL administrator’s appointment”;
 - (b) include immediately below the heading—
 - (i) the full name, registered address, registered number and any other trading names of the SMCL; and
 - (ii) details of the court where the proceedings are and the relevant court reference number;
 - (c) contain the SMCL administrator’s name, address and IP number; and
 - (d) state that the person mentioned in sub-paragraph (c) has been appointed as SMCL administrator of the SMCL.
- (5) The notice must be authenticated and dated by the SMCL administrator.