
STATUTORY INSTRUMENTS

2020 No. 629

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

PART 4

Meetings

CHAPTER 1

Creditors' meetings

Creditors' meetings generally

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

(2) Subject to paragraphs (7), (8) and (10), where the SMCL administrator summons a meeting of creditors the SMCL administrator must deliver at least 14 days' notice of the meeting to all creditors who are known to the SMCL administrator and had claims against the SMCL at the date when the SMCL entered SMCL administration unless that creditor has subsequently been paid in full.

(3) The notice must—

(a) be headed "Notice of a meeting of creditors";

(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; and

(c) state the venue for the meeting.

(4) In fixing the venue for the meeting, the SMCL administrator must have regard to the convenience of creditors and the meeting must be summoned for commencement between 10.00 am and 4.00 pm on a business day, unless the court otherwise directs.

(5) The notice must also—

(a) specify the purpose of the meeting;

(b) contain a statement of the effect of Rule 31 (entitlement to vote); and

(c) be accompanied by a blank proxy complying with Rule 144.

(6) As soon as reasonably practicable after notice of the meeting has been given, the SMCL administrator must have gazetted a notice which must—

(a) state—

(1) Paragraph 62 was amended by the Small Business, Enterprise and Employment Act 2015 (c.26), Schedule 9, paragraph 10; but those amendments do not apply to proceedings under the Smart Meters Act 2018, as a result of the savings made by S.I. 2017/540.

- (i) that a creditors' meeting is to take place;
- (ii) the venue fixed for the meeting; and
- (iii) the purpose of the meeting; and

(b) contain a statement of the effect of Rule 31 (entitlement to vote).

(7) 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.

(8) 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.

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

(10) 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.

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

(12) 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 any direction of the court.

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

(14) Paragraph (4) applies to the venue fixed for a meeting adjourned under this Rule.