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STATUTORY INSTRUMENTS

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**2023 No. 712**

**The Relevant Licensee Nuclear Company  
Administration (England and Wales) Rules 2023**

**PART 10**

**Replacing the Nuclear Administrator**

**Grounds for resignation**

**92.**—(1) The nuclear administrator may resign—

- (a) on the grounds of ill health,
- (b) because the nuclear administrator intends ceasing to be in practice as an insolvency practitioner, or
- (c) because there is some conflict of interest, or a change in personal circumstances, which prevents or makes impracticable the further discharge by the nuclear administrator of the duties of nuclear administrator.

(2) The nuclear administrator may, with the permission of the court, resign on grounds other than those specified in paragraph (1).

**Notice of intention to resign**

**93.**—(1) The nuclear administrator must give at least five business days' notice of the nuclear administrator's intention—

- (a) to resign in a case falling within rule 92(1);
- (b) to apply for the court's permission to resign in a case falling within rule 92(2).

(2) The notice must be delivered—

- (a) to the Secretary of State;
- (b) to the Gas and Electricity Markets Authority;
- (c) if there is a continuing nuclear administrator of the relevant licensee nuclear company, to that continuing nuclear administrator;
- (d) if there is no such nuclear administrator, to the relevant licensee nuclear company and its creditors, including any floating charge holders.

(3) The notice must—

- (a) be headed "Notice of intention to resign as nuclear administrator";
- (b) include immediately below the heading—
  - (i) the full name, registered address, registered number and any other trading names of the relevant licensee nuclear company;
  - (ii) details of the court where the proceedings are and the relevant court reference number.

- (4) The notice must also include—
- (a) the date of the appointment of the nuclear administrator;
  - (b) the name of the person who made the relevant licensee nuclear company administration application;
  - (c) in a case falling within rule 92(1), the date with effect from which the nuclear administrator intends to resign;
  - (d) in a case falling within rule 92(2), the date on which the nuclear administrator intends to file with the court an application for permission to resign.
- (5) The notice must be accompanied by a summary of the nuclear administrator’s receipts and payments.

**Notice of resignation to court under the 1986 Act, Schedule B1, paragraph 87(2)**

**94.**—(1) Notice of resignation under paragraph 87(2) of Schedule B1 to the 1986 Act<sup>(1)</sup> must be given by filing the notice with the court.

(2) Within five business days of filing the notice of resignation with the court, the nuclear administrator must deliver a copy of the notice to—

- (a) the registrar of companies, and
- (b) all persons to whom notice of intention to resign was delivered under rule 93.

(3) The notice of resignation must—

- (a) be headed “Notice of resignation by nuclear administrator”;
- (b) include immediately below the heading—
  - (i) the full name, registered address, registered number and any other trading names of the relevant licensee nuclear company;
  - (ii) details of the court where the proceedings are and the relevant court reference number.

(4) The notice must also state—

- (a) the date of the appointment of the nuclear administrator;
- (b) the name of the person who made the relevant licensee nuclear company administration application;
- (c) the date from which the resignation is to have effect;
- (d) where the resignation is with the permission of the court, the date on which permission was given.

**Application to court to remove nuclear administrator from office**

**95.**—(1) An application for an order under paragraph 88 of Schedule B1 to the 1986 Act that the nuclear administrator be removed from office must state the grounds on which the order is requested.

(2) A copy of the application must be delivered, not less than five business days before the date fixed for the hearing—

- (a) to the nuclear administrator;
- (b) to the Secretary of State;
- (c) to the Gas and Electricity Markets Authority;
- (d) to the joint nuclear administrator (if any);

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(1) Paragraph 87 was amended by the Enterprise Act 2002, Schedule 16, paragraph 1.

- (e) where there is not a joint nuclear administrator, to the relevant licensee nuclear company and its creditors, including any floating charge holders.
- (3) Where the court makes an order removing the nuclear administrator it must deliver a copy of the order to the applicant.
- (4) Following receipt of a copy of the order, the applicant must deliver a copy of the order—
  - (a) as soon as reasonably practicable, to the nuclear administrator, and
  - (b) within five business days, to—
    - (i) the registrar of companies, and
    - (ii) all persons to whom a copy of the application was delivered under paragraph (2).

#### **Notice of vacation of office when nuclear administrator ceases to be qualified to act**

**96.** A nuclear administrator who has ceased to be qualified to act as an insolvency practitioner in relation to the relevant licensee nuclear company and gives notice in accordance with paragraph 89 of Schedule B1 to the 1986 Act<sup>(2)</sup> must also deliver notice to—

- (a) the Secretary of State,
- (b) the Gas and Electricity Markets Authority, and
- (c) the registrar of companies.

#### **Nuclear administrator deceased**

**97.**—(1) If the nuclear administrator dies, a notice of the fact and date of death must be filed with the court.

- (2) The notice must be filed as soon as reasonably practicable by one of the following—
  - (a) a surviving nuclear administrator;
  - (b) a member of the deceased nuclear administrator’s firm, if the deceased was a member or employee of a firm;
  - (c) an officer of the deceased nuclear administrator’s company, if the deceased was an officer or employee of a company;
  - (d) a personal representative of the deceased nuclear administrator.

(3) If such a notice has not been filed within the 21 days following the nuclear administrator’s death then any other person may file the notice.

(4) The person who files the notice must also deliver a notice to the registrar of companies which contains—

- (a) the date of the appointment of the nuclear administrator;
- (b) the fact and date of death.

#### **Application to replace**

**98.**—(1) Where an application is made to court under paragraph 91(1) of Schedule B1 to the 1986 Act to appoint a replacement nuclear administrator, the application must be accompanied by a statement in accordance with rule 6 by the person proposed to be the replacement nuclear administrator.

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(2) Paragraph 89 was amended by the Enterprise Act 2002, Schedule 16, paragraph 1.

(2) In addition to those persons referred to in section 156(2) of the 2004 Act and rule 9(3), the applicant must deliver a copy of the application to the person who made the application for the RLNC administration order.

(3) Rule 159 applies to the service of an application under paragraph 91(1) of Schedule B1 to the 1986 Act as it applies to service of an application for an RLNC administration order.

(4) Rules 11 and 12 apply to an application under paragraph 91(1) of Schedule B1 to the 1986 Act as they apply to an application for an RLNC administration order.

### **Appointment of replacement or additional nuclear administrator**

**99.** Where a replacement nuclear administrator is appointed or an additional nuclear administrator is appointed as a joint nuclear administrator—

- (a) rule 13 applies,
- (b) the replacement or additional nuclear administrator must deliver notice of the appointment to the registrar of companies, and
- (c) all documents must clearly identify the appointment of a replacement nuclear administrator or an additional nuclear administrator appointed as a joint nuclear administrator.

### **Nuclear administrator's duties on vacating office**

**100.**—(1) A nuclear administrator who ceases to be in office as such, in consequence of removal, resignation or ceasing to be qualified to act as an insolvency practitioner, must as soon as reasonably practicable deliver to the person succeeding as nuclear administrator—

- (a) the assets, after deduction of any expenses properly incurred and distributions made by the departing nuclear administrator,
  - (b) the records of the relevant licensee nuclear company administration, including correspondence, proofs and other documents relating to the relevant licensee nuclear company administration while it was within the responsibility of the departing nuclear administrator, and
  - (c) the relevant licensee nuclear company's books, papers and other records.
- (2) It is an offence for the nuclear administrator to fail to comply with paragraph (1).