
STATUTORY INSTRUMENTS

2023 No. 712

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

PART 6

Expenses of the Relevant Licensee Nuclear Company Administration

Expenses

41.—(1) All fees, costs, charges and other expenses incurred in the course of the relevant licensee nuclear company administration are to be regarded as expenses of the relevant licensee nuclear company administration.

(2) The expenses associated with the prescribed part must be paid out of the prescribed part.

(3) The cost of the security required by section 390(3) of the 1986 Act for the proper performance of the nuclear administrator's functions is an expense of the relevant licensee nuclear company administration.

Priority of expenses of relevant licensee nuclear company administration

42.—(1) The expenses of the relevant licensee nuclear company administration are payable in the following order of priority—

- (a) expenses properly incurred by the nuclear administrator in performing the nuclear administrator's functions in the relevant licensee nuclear company administration, except for those expenses referred to in sub-paragraph (g);
- (b) the cost of any security provided by the nuclear administrator in accordance with the 1986 Act or these Rules;
- (c) the costs of the applicant for the relevant licensee nuclear company administration order and any person appearing on the hearing of the application whose costs were allowed by the court;
- (d) any amount payable to a person in respect of assistance in the preparation of a statement of affairs or statement of concurrence;
- (e) any allowance made, by the order of the court, towards costs on an application for release from the obligation to submit a statement of affairs or statement of concurrence;
- (f) any necessary disbursements by the nuclear administrator in the course of the relevant licensee nuclear company administration (but not including any payment of corporation tax in circumstances referred to in sub-paragraph (i));
- (g) the remuneration of any person who has been employed by the nuclear administrator to perform any services for the relevant licensee nuclear company, as required or authorised under the 1986 Act, the 2004 Act, the 2022 Act or these Rules;
- (h) the remuneration of the nuclear administrator fixed by the court under Part 8 and unpaid pre-relevant-licensee-nuclear-company-administration costs approved under rule 43;

- (i) the amount of any corporation tax on chargeable gains accruing on the realisation of any asset of the relevant licensee nuclear company, irrespective of the person by whom the realisation is effected.
- (2) The priorities laid down by paragraph (1) are subject to paragraph (3) and subject to the power of the court to make orders under paragraph (5) where the assets are insufficient to satisfy the liabilities.
- (3) Where there is a former nuclear administrator, the items in paragraph 99 of Schedule B1 to the 1986 Act⁽¹⁾ are payable in priority to the expenses in this rule.
- (4) For the purposes of paragraph 99(3) of Schedule B1 to the 1986 Act, the former nuclear administrator's remuneration and expenses shall comprise all those items set out in paragraph (1) (a) to (i) of this rule.
- (5) 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 relevant licensee nuclear company administration in such order of priority as the court thinks just.

Pre-relevant-licensee-nuclear-company-administration costs

43.—(1) Paragraph (2) applies where the nuclear administrator has made a statement of pre-relevant-licensee-nuclear-company-administration costs under rule 21(2)(k) (matters to be included in statement of proposals).

(2) The relevant office holder must, before pre-relevant-licensee-nuclear-company-administration costs are paid, apply to the court for a determination of whether and to what extent such costs are approved for payment.

(3) In paragraph (2) the “relevant office holder” means—

- (a) the nuclear administrator, where the costs consist of fees charged or expenses incurred by the nuclear administrator;
- (b) another insolvency practitioner, where the costs consist of fees charged or expenses incurred by that practitioner.

(1) Paragraph 99 was amended by the Deregulation Act 2015 (c. 20), Schedule 6, paragraph 27.