
STATUTORY INSTRUMENTS

2023 No. 712

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

PART 9

Ending Relevant Licensee Nuclear Company Administration

Interpretation: final progress reports, etc.

86. In this Part—

“final progress report” means a progress report which includes a summary of—

- (a) the nuclear administrator’s proposals,
- (b) any major amendments to, or deviations from, those proposals,
- (c) the steps taken during the relevant licensee nuclear company administration, and
- (d) the outcome;

“progress report” means a report which complies with rule 26.

Application to court

87.—(1) An application to court under paragraph 79 of Schedule B1 to the 1986 Act⁽¹⁾ for an order ending a relevant licensee nuclear company administration must have attached to it—

- (a) a progress report for the period since—
 - (i) the last progress report (if any), or
 - (ii) if there has been no previous progress report, the date on which the relevant licensee nuclear company entered relevant licensee nuclear company administration, and
 - (b) a statement indicating what the applicant thinks should be the next steps for the relevant licensee nuclear company (if applicable).
- (2) Where such an application is made, the applicant must—
- (a) at least five business days before the application is made, deliver notice of the applicant’s intention to apply to court to the following—
 - (i) the person who made the application for the RLNC administration order (unless the applicant in both cases is the same);
 - (ii) the creditors of the relevant licensee nuclear company;
 - (b) attach to the application to court a statement that notice has been delivered to the creditors, and copies of any response from creditors to that notice.
- (3) Where such an application is made other than by the nuclear administrator—

⁽¹⁾ Paragraph 79 was amended by the Small Business, Enterprise and Employment Act 2015, Schedule 9, paragraph 10.

- (a) the applicant must also, at least five business days before the application is made, deliver notice to the nuclear administrator of the applicant's intention to apply to court;
 - (b) upon receipt of such notice the nuclear administrator must, before the end of the five business day notice period, provide the applicant with a progress report for the period since the last progress report (if any) or the date the relevant licensee nuclear company entered relevant licensee nuclear company administration.
- (4) Where the application is made other than by the Secretary of State, the application—
- (a) may only be made with the consent of the Secretary of State, and
 - (b) must state it is made with the consent of the Secretary of State.
- (5) Where the nuclear administrator applies to court under paragraph 79 of Schedule B1 to the 1986 Act in conjunction with a petition under section 124 of the 1986 Act⁽²⁾ for an order to wind up the relevant licensee nuclear company, the notice to creditors under paragraph (2)(a)(ii) must also state whether the nuclear administrator intends to seek appointment as liquidator.

Notification by nuclear administrator of court order

88.—(1) Where the court makes an order to end the relevant licensee nuclear company administration, it must, where the applicant is not the nuclear administrator, deliver a copy of the order to the nuclear administrator.

(2) The nuclear administrator must as soon as reasonably practicable deliver a copy of the order and a copy of the final progress report to—

- (a) the registrar of companies,
- (b) the directors of the relevant licensee nuclear company, and
- (c) the Secretary of State, the Gas and Electricity Markets Authority and all those persons to whom notice of the nuclear administrator's appointment was delivered.

Moving from relevant licensee nuclear company administration to creditors' voluntary liquidation

89.—(1) Where, for the purposes of paragraph 83(3) of Schedule B1 to the 1986 Act, the nuclear administrator delivers to the registrar of companies a notice of moving from relevant licensee nuclear company administration to creditors' voluntary liquidation, the notice must include the name and IP number of the proposed liquidator.

(2) The notice to the registrar of companies must be accompanied by a copy of the nuclear administrator's final progress report, which must include details of the assets to be dealt with in the liquidation.

(3) As soon as reasonably practicable after delivery of the notice to the registrar of companies, the nuclear administrator must deliver—

- (a) a copy of the notice and final progress report to the Secretary of State, the Gas and Electricity Markets Authority and all those persons to whom notice of the nuclear administrator's appointment was delivered, and
- (b) a copy of the final progress report with any other copy of the notice that is sent as required by paragraph 83(5)(b) of Schedule B1 to the 1986 Act.

(2) Section 124 was amended by the Criminal Justice Act 1988 (c. 33), section 62(2), the Companies Act 1989, section 60(2), S.I. 2002/1240, the Courts Act 2003 (c. 39), Schedule 8, paragraph 294, S.I. 2004/2326, the Companies (Audit, Investigations and Community Enterprise) Act 2004, section 50(3), S.I. 2006/2078, 2009/1941, 2013/496, 2019/146 and the Corporate Insolvency and Governance Act 2020, Schedule 3, paragraph 11.

(4) For the purposes of paragraph 83(7)(a) of Schedule B1 to the 1986 Act, a person is nominated as liquidator in accordance with rule 21(8) and (9) or 25(3)(e) and that person's appointment takes effect following registration under paragraph (1) of this rule—

- (a) by virtue of the nuclear administrator's proposals or revised proposals, or
- (b) following a decision sought by the nuclear administrator under rule 29.

(5) The Gas and Electricity Markets Authority must notify the Secretary of State before consenting to the nuclear administrator delivering a notice of moving from relevant licensee nuclear company administration to creditors' voluntary liquidation to the registrar of companies.

Moving from relevant licensee nuclear company administration to dissolution

90.—(1) Where, for the purposes of paragraph 84(1) of Schedule B1 to the 1986 Act⁽³⁾, the nuclear administrator delivers to the registrar of companies a notice of moving from relevant licensee nuclear company administration to dissolution, the nuclear administrator must attach to that notice a final progress report.

(2) As soon as reasonably practicable after delivering the notice to the registrar of companies, the nuclear administrator must deliver—

- (a) a copy of the notice and final progress report to the Secretary of State, the Gas and Electricity Markets Authority and all those persons to whom notice of the nuclear administrator's appointment was delivered, and
- (b) a copy of the final progress report with any other copy of the notice that is sent as required by paragraph 84(5)(b) of Schedule B1 to the 1986 Act.

(3) Where a court makes an order under paragraph 84(7) of Schedule B1 to the 1986 Act it must, where the applicant is not the nuclear administrator, deliver a copy of the order to the nuclear administrator.

(4) The nuclear administrator must deliver a copy of the order to the registrar of companies with the notice required by paragraph 84(8) of Schedule B1 to the 1986 Act.

(5) The Gas and Electricity Markets Authority must notify the Secretary of State before directing the nuclear administrator to deliver a notice of moving from relevant licensee nuclear company administration to dissolution to the registrar of companies.

Provision of information to the Secretary of State

91.—(1) Paragraph (2) applies where the relevant licensee nuclear company administration ends pursuant to paragraph 79, 83 or 84 of Schedule B1 to the 1986 Act.

(2) The nuclear administrator must, at the same time as delivering the final progress report to the Secretary of State under rule 88(2), 89(3) or 90(2), provide the Secretary of State with the following information—

- (a) a breakdown of the relevant debts of the relevant licensee nuclear company which remain outstanding, and
- (b) details of any shortfall in the property of the relevant licensee nuclear company available for meeting the relevant debts.

(3) In paragraph (2), "relevant debts" means an obligation to do any of the following—

- (a) to make payments in respect of the expenses or remuneration of any person as nuclear administrator of the relevant licensee nuclear company ("the company");

(3) Paragraph 84 was amended by the Small Business, Enterprise and Employment Act 2015, Schedule 9, paragraph 10 and [S.I. 2019/146](#).

- (b) to make payment in discharge of a debt or liability of the company arising out of a contract entered into at a time when the RLNC administration order was in force by the person who at that time was the nuclear administrator of the company;
 - (c) to repay the whole or any part of a grant made to the company under section 165 of the 2004 Act as applied by section 33 of the 2022 Act;
 - (d) to repay a loan made to the company under section 165 of the 2004 Act (as applied by section 33 of the 2022 Act), or to pay interest on such a loan;
 - (e) to make a payment under section 166(4) of the 2004 Act (as applied by section 33 of the 2022 Act);
 - (f) to make a payment under section 167(5) of the 2004 Act (as applied by section 33 of the 2022 Act).
- (4) In paragraph (2)(b)—
- (a) a “shortfall” arises if, in a case where the company is or has been subject to a RLNC administration order, the property available (apart from conditions falling within section 35(1) and (5) of the 2022 Act) for meeting relevant debts is insufficient for meeting them, and
 - (b) amounts are applied in making good that shortfall if they are paid in or towards discharging so much of a relevant debt as cannot be met out of the property otherwise available for meeting relevant debts.