
STATUTORY INSTRUMENTS

2023 No. 712

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

PART 4

Creditors' decisions and company meetings

CHAPTER 2

Company Meetings

Complaint by or in relation to excluded persons, etc.

- 37.—**(1) Any person may make a complaint who—
- (a) is, or claims to be, an excluded person, or
 - (b) attends the meeting, whether in person or by proxy (by virtue of rule 33), and claims to have been adversely affected by the actual, apparent or claimed exclusion of another person.
- (2) The person to whom the complaint must be made (“the appropriate person”) is—
- (a) the chair, where it is made during the course of the meeting;
 - (b) the nuclear administrator, where it is made after the meeting.
- (3) A complaint must be made as soon as reasonably practicable and, in any event, no later than 4.00 p.m. on the business day following—
- (a) the day on which the person was, appeared or claimed to be excluded, or
 - (b) where an indication is sought under rule 36, the day on which the complainant received the indication.
- (4) The appropriate person must, as soon as reasonably practicable following receipt of the complaint—
- (a) consider whether there is an excluded person,
 - (b) where satisfied that there is an excluded person, consider the complaint, and
 - (c) where satisfied that there has been prejudice, take such action as the appropriate person considers fit to remedy the prejudice.
- (5) Paragraph (6) applies where—
- (a) the appropriate person is satisfied that the complainant is an excluded person,
 - (b) during the period of the person’s exclusion a resolution was put to the meeting and voted on, and
 - (c) the excluded person asserts how the excluded person intended to vote on the resolution.
- (6) Subject to paragraph (7), where satisfied that the effect of the intended vote in paragraph (5), if cast, would have changed the result of the resolution, the appropriate person must—
- (a) count the intended vote as being cast in accordance with the complainant’s stated intention,

- (b) amend the record of the result of the resolution, and
 - (c) where notice of the result of the resolution has been delivered to those entitled to attend the meeting, deliver notice to them of the change.
- (7) Where satisfied that more than one complainant is an excluded person, the appropriate person must have regard to the combined effect of the intended votes.
- (8) The appropriate person must deliver notice to the complainant of any decision as soon as reasonably practicable.
- (9) A complainant who is not satisfied by the action of the appropriate person may apply to the court for directions and any application must be made no more than two business days from the date of receiving the decision of the appropriate person.
- (10) In this rule, “excluded person” has the meaning given in rule 35(1).