
STATUTORY INSTRUMENTS

2023 No. 712

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

PART 7

Claims by and Distributions to Creditors

CHAPTER 1

Machinery of Proving a Debt

Proving a debt

44.—(1) A person claiming to be a creditor of the relevant licensee nuclear company and wishing to recover the debt in whole or part must submit a claim in writing to the nuclear administrator, unless paragraph (6) applies or an order of the court provides otherwise.

(2) A creditor who claims for a debt is referred to as “proving” for that debt and a document by which a creditor seeks to establish a claim is the creditor’s “proof”.

(3) A proof must—

- (a) be made out and dated by, or under the direction of, the creditor and be authenticated by the creditor or a person authorised on the creditor’s behalf;
- (b) state the following matters—
 - (i) the creditor’s name and address;
 - (ii) if the creditor is a company, its registered number;
 - (iii) the total amount of the creditor’s claim (including any value added tax) as at the date on which the relevant licensee nuclear company entered relevant licensee nuclear company administration, less any payments made after that date in respect of the claim, any deduction under rule 54 and any adjustment by way of set off in accordance with rule 55;
 - (iv) whether or not the claim includes outstanding uncapitalised interest;
 - (v) particulars of how and when the debt was incurred by the relevant licensee nuclear company;
 - (vi) particulars of any security held, the date on which it was given and the value which the creditor puts on it;
 - (vii) details of any reservation of title in respect of goods to which the debt refers;
 - (viii) the name, address and authority of the person authenticating the proof (if a person other than the creditor).

(4) The proof must specify details of any document by reference to which the debt can be substantiated, but the document need not be delivered with the proof unless the nuclear administrator has requested it.

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(5) The nuclear administrator may call for the creditor to produce any document or other evidence which the nuclear administrator considers is necessary to substantiate the whole or any part of a claim.

(6) A creditor is deemed to have proved for the purposes of determination and payment of a dividend but not otherwise where—

- (a) the debt is a small debt,
- (b) a notice has been delivered to the creditor under rule 69 which complies with rule 70, and
- (c) the creditor has not advised the nuclear administrator that the debt is incorrect or not owed.

(7) For the purposes of this Part, “small debt” means a debt, being the total amount owed to a creditor, which does not exceed £1,000 (which amount is prescribed for the purposes of paragraph 13A of Schedule 8 to the 1986 Act⁽¹⁾).

(1) Paragraph 13A was inserted into Schedule 8 by the Small Business, Enterprise and Employment Act 2015, section 131.