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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 9**

**Ending Relevant Licensee Nuclear Company Administration**

**Application to court**

**87.**—(1) An application to court under paragraph 79 of Schedule B1 to the 1986 Act<sup>(1)</sup> 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—
- (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.

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

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(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<sup>(2)</sup> 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.

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(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.