NOTICES OF AMENDMENTS

given on
Thursday 24 January 2013

For other Amendment(s) see the following page(s):
Energy Bill Committee 59-68

PUBLIC BILL COMMITTEE

ENERGY BILL

Tom Greatrex
Luciana Berger

Clause 29, page 15, line 36, leave out from ‘if’ to end of line 37 and insert ‘the body acting by virtue of section 4(2) is a holder of a licence to distribute electricity by virtue of section 6(1)(a) to (e) of the Electricity Act 1989.’.

Tom Greatrex
Luciana Berger

Clause 30, page 17, line 20, at end insert—
‘(e) the Secretary of State must report annually to Parliament on the performance of the national system operator.’.

Tom Greatrex
Luciana Berger

Schedule 3, page 99, line 40, at end insert—
‘(3A) Provision by virtue of subsection (1)(c) must include provision about a panel of independent experts to advise on the amounts to be paid;
(a) a panel of independent experts must include a consumer representative;
(b) advice provided by a panel of independent experts must be laid before Parliament.’.

Tom Greatrex
Luciana Berger

Schedule 3, page 100, line 4, at end insert—
‘(c) within three days of the contract being entered into.’.

For other Amendment(s) see the following page(s):
Energy Bill Committee 59-68
Tom Greatrex
Luciana Berger

Schedule 3, page 100, line 27, leave out ‘in the opinion of the Secretary of State, materially’ and insert ‘in the opinion of the independent panel of experts,’.

Tom Greatrex
Luciana Berger

Schedule 3, page 100, line 44, leave out sub-paragraph (4).

Tom Greatrex
Luciana Berger

Schedule 3, page 103, line 15, leave out ‘may’ and insert ‘must’.

Tom Greatrex
Luciana Berger

Schedule 3, page 103, line 27, at end insert—
‘(e) an annual report by the Secretary of State laid before Parliament on the impact of provisions under this section on consumer bills;
(f) the issuing of notices exempting energy intensive industries from the provisions under this section.’.

Tom Greatrex
Luciana Berger

Schedule 3, page 104, line 18, leave out sub-paragraph (4).

Tom Greatrex
Luciana Berger

Schedule 3, page 104, line 48, at end insert—
‘(h) for the information provided by virtue of sub-paragraphs (a) to (c) to be laid before Parliament.’.

Tom Greatrex
Luciana Berger

Schedule 3, page 105, line 12, at end insert—
‘() Any advice offered or determinations made by virtue of this paragraph must be laid before Parliament within one month of the offering of advice or making of a determination.’.

Tom Greatrex
Luciana Berger

Schedule 3, page 105, line 32, at end insert—
‘(e) any person who is a holder of a licence to supply electricity under section 6(1)(d) of EA 1989,’.
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(f) any person who is a holder of a licence under Article 10(1)(b) or (c) of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I.1)) (transmission or supply licence),

(g) the Committee on Climate Change,

(h) the Panel of independent experts.’.

Schedule 3, page 106, line 9, after ‘may’, insert ‘only’.

Schedule 3, page 106, line 9, leave out ‘as well as consultation after’.

Schedule 3, page 106, line 38, at end insert—
‘(4) Provision by virtue of sub-paragraph (1) must be laid before Parliament within three working days of any direction.’.

Schedule 3, page 106, line 38, at end insert—
‘(4) Provision by virtue of sub-paragraph (3)(b) should be accompanied by a statement to Parliament outlining the reasons for any variation or termination of an investment contract.’.

Schedule 3, page 107, line 7, at end insert—
‘(4) The Secretary of State must make a statement to Parliament setting out the compatibility of sub-paragraph (1) with paragraph 14.’.

Schedule 3, page 108, line 29, at end insert—
‘(4) Provision made by virtue of this paragraph must be laid before Parliament before the agreement of any compensation.

The Secretary of State must set out the reasons why he/she believes the person subject to a scheme by virtue of this paragraph has been adversely affected.

The Secretary of State must identify the source of compensation paid by the Secretary of State.’.
Schedule 3, page 109, line 33, at end insert—

‘(5) The Secretary of State must report annually to Parliament on expenditure incurred by virtue of subsection setting out—

(a) the reason for the expenditure;

(b) a statement by the Secretary of State on the value for money of this expenditure.’.

Mr John Hayes

Clause 73, page 63, line 19, at end insert—

‘( ) advice given in a particular case.’.

Mr John Hayes

Clause 91, page 74, line 25, at end insert—

‘( ) In relation to any modification of a provision of, or made under, any of the provisions of the Nuclear Installations Act 1965 that are relevant statutory provisions, the power conferred by subsection (6)(a) includes power to extend the modification to Northern Ireland for the purpose of ensuring that the text of the provision is uniform throughout the United Kingdom (but does not include power to alter the effect of the provision in relation to a site in Northern Ireland).’.

Mr John Hayes

Clause 92, page 74, line 31, leave out from beginning to end of line 34 and insert—

in particular—

(a) provision modifying any provision made by—

(i) primary legislation passed before the end of the session in which this Act was passed, or

(ii) an instrument made before the end of that session;

(b) provision for treating any regulations within subsection (1) as relevant statutory provisions (or as relevant statutory provisions of a particular description).

(2A) The regulations mentioned in subsection (2)(b) are regulations made under a provision within subsection (2) so far as they relate to, or to fees payable in respect of functions which relate to, any of the following purposes—

(a) the nuclear safety purposes;

(b) the nuclear security purposes;

(c) the nuclear safeguards purposes;

(d) the transport purposes.

(2B) The provisions mentioned in subsection (1) are—

(a) section 2(2) of the European Communities Act 1972 (general implementation of Treaties);

(b) section 15 of the 1974 Act (health and safety regulations);

(c) section 43 of that Act (fees);

(d) section 3 of the Nuclear Safeguards Act 2000 (identifying persons who have information);

(e) section 77 of the Anti-terrorism, Crime and Security Act 2001 (regulation of security of civil nuclear industry).’.
Mr John Hayes

Clause 118, page 88, line 36, leave out ‘by, or by’ and insert ‘by or on behalf of, or by or on behalf of’.

Mr John Hayes

Clause 124, page 94, line 37, after ‘paragraphs’ insert ‘16(3),’.

Mr John Hayes

Schedule 9, page 143, line 33, at end insert—
‘(1) Paragraph 2 does not prohibit a disclosure of protected information which is made—
(a) by the ONR, an inspector, a health and safety inspector or an ONR inquiry official, and
(b) for any of the purposes specified in section 17(2)(a) to (d) of the Anti-terrorism, Crime and Security Act 2001 (criminal proceedings and investigations).

(2) Section 18 of that Act (restriction on disclosure of information for overseas purposes) has effect in relation to a disclosure authorised by sub-paragraph (1) as it has effect in relation to a disclosure authorised by any of the provisions to which section 17 of that Act applies.’.

Mr John Hayes

Schedule 12, page 155, line 10, at end insert—
‘(d) in paragraph (b), after sub-paragraph (ii) insert—
“(iii) assigned to the Office of Rail Regulation or the Office for Nuclear Regulation for the purpose of removing any uncertainty as to what are by virtue of any of the relevant statutory provisions their respective responsibilities for the enforcement of any of those provisions;”.’.

Mr John Hayes

Schedule 12, page 159, line 8, leave out from ‘months’ to ‘or’ in line 9.

Mr John Hayes

Schedule 12, page 166, line 16, at end insert—
‘Explosives Act 1875 (c. 17)

44A The Explosives Act 1875 is amended as follows.
44B In section 61 (keeping and carriage of samples by an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act), at the end insert the following paragraph—
“ The reference to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act
Energy Bill, continued

1974 ("the 1974 Act") is to be read, in relation to a relevant nuclear site, as a reference to an inspector appointed by the Office for Nuclear Regulation under that section.

For this purpose a relevant nuclear site is one in relation to which the Office for Nuclear Regulation has responsibility for the enforcement of any of the relevant statutory provisions (within the meaning of Part 1 of the 1974 Act) by virtue of section 18(1A) or (2) of the 1974 Act.”

44C In section 74 (seizure and detention of explosives liable to forfeiture), after subsection (6) insert the following paragraph—

“ In this section, any reference to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 ("the 1974 Act") is to be read, in relation to anything found on a relevant nuclear site, as a reference to an inspector appointed by the Office for Nuclear Regulation under that section.

For this purpose a relevant nuclear site is one in relation to which the Office for Nuclear Regulation has responsibility for the enforcement of any of the relevant statutory provisions (within the meaning of Part 1 of the 1974 Act) by virtue of section 18(1A) or (2) of the 1974 Act.”

Factories Act 1961 (c. 34)

44D In section 176(1) of the Factories Act 1961 (general interpretation), in the definition of “inspector”, for the words from “means” to “and references” substitute “, in relation to a factory, means an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 ("the 1974 Act")—

(a) in the case of a factory on a site in relation to which the Office for Nuclear Regulation has responsibility for the enforcement of any of the relevant statutory provisions (within the meaning of Part 1 of the 1974 Act) by virtue of section 18(1A) or (2) of that Act, by the Office for Nuclear Regulation;

(b) in any other case, by the Health and Safety Executive, and references” .

Mr John Hayes

Schedule 12, page 167, line 18, at end insert—

‘Electricity Act 1989 (c. 29)

50A The Electricity Act 1989 is amended as follows.

50B (1) Section 3C (health and safety) is amended as follows.

(2) In subsection (1), for the words following “consult” substitute “—

(a) the Health and Safety Executive about all electricity safety issues, and

(b) the Office for Nuclear Regulation about all electricity safety issues relating to nuclear sites (within the meaning of Part 2 of the Energy Act 2013), which may be relevant to the carrying out of their respective functions under this Part.”

(3) In subsection (3), after “Health and Safety Executive” insert “or the Office for Nuclear Regulation”.
50C In section 56C (references to the Competition Commission), in subsection (6)(c), after “Health and Safety Executive” insert “, the Office for Nuclear Regulation.”.

Mr John Hayes

Schedule 12, page 168, line 18, at end insert—

‘Deregulation and Contracting Out Act 1994 (c. 40)’

58A (1) Section 37 of the Deregulation and Contracting Out Act 1994 (power to repeal certain health and safety provisions) is amended as follows.

(2) In subsection (1), after paragraph (b) insert—

“(ba) any of the relevant nuclear provisions,

(bb) any provision of regulations under section 54 of the Energy Act 2013 which has effect in place of any of the relevant nuclear provisions,”.

(3) In subsection (2), after paragraph (ac) insert—

“(ad) in the case of regulations under paragraph (ba) or (bb) of that subsection, the Office for Nuclear Regulation,”.

(4) In subsection (7) for “or (b)” substitute “(b), (ba) or (bb)”. 

(5) In subsection (9)(a), for “or (b)” substitute “(b), (ba) or (bb)”.

(6) After subsection (9) insert—

“(10) In subsection (1), “the relevant nuclear provisions” means—

(a) sections 1, 3 to 6, 22 and 24A of the Nuclear Installations Act 1965, and

(b) any regulations made under any of those sections, so far as they have effect in England and Wales or Scotland.”.’.

Mr John Hayes

Schedule 12, page 169, line 6, at end insert—

‘Energy Act 2004 (c. 20)’

63A The Energy Act 2004 is amended as follows.

63B In section 14 (annual reports), in subsection (3)(g), after “with” insert “the Office for Nuclear Regulation,”.

63C (1) Schedule 2 (procedural requirements applicable to NDA’s strategy) is amended as follows.

(2) In paragraph 4(2) (consultation by NDA), before paragraph (a) insert—

“(za) the Office for Nuclear Regulation;”.

(3) In paragraph 5(9) (approval of strategy), after paragraph (a) insert—

“(aa) the Office for Nuclear Regulation;”.

63D (1) Schedule 3 (procedural requirements applicable to NDA’s annual plans) is amended as follows.

(2) In paragraph 2(1) (consultation by NDA), before paragraph (a) insert—

“(za) the Office for Nuclear Regulation;”.

(3) In paragraph 3(8) (approval of annual plan), after paragraph (a) insert—

“(aa) the Office for Nuclear Regulation;”.’.
Energy Bill, continued

Mr John Hayes

Schedule 12, page 169, line 8, leave out from ‘Part’ to ‘The’ in line 10 and insert ‘3 of Schedule 1 to the Civil Contingencies Act 2004 (category 2 responders: general), after paragraph 29A insert—

“Miscellaneous

29B  ”.

Mr John Hayes

Schedule 12, page 169, line 10, at end insert—

‘Railways Act 2005 (c. 14)  

64A Schedule 3 to the Railways Act 2005 (transfer of safety functions) is amended as follows.

64B In paragraph 1(5) (railway safety purposes), after paragraph (b) (but before the “and” immediately following it) insert—

“(ba) the Office for Nuclear Regulation;”.

64C (1) Paragraph 2 (ORR’s principal railway safety functions) is amended as follows.

(2) In sub-paragraph (6), for the words following “must” substitute “—

(a) if the proposals relate to regulations that are relevant to the ONR’s purposes (within the meaning of Part 2 of the Energy Act 2013), consult the Office for Nuclear Regulation;

(b) in any case, consult—

(i) such government departments, and

(ii) such other persons,

as it considers appropriate.”

(3) In sub-paragraph (7), at the end insert “and, if the regulations are relevant to the ONR’s purposes (within the meaning of Part 2 of the Energy Act 2013), the Office for Nuclear Regulation”.

64D In paragraph 4 (reports and investigations), after sub-paragraph (4) insert—

“(4A) The Office of Rail Regulation must consult the Office for Nuclear Regulation before taking any step under sub-paragraph (1) in relation to a matter which appears to the Office of Rail Regulation to be, or likely to be, relevant to the ONR’s purposes (within the meaning of Part 2 of the Energy Act 2013).” ”.

Mr John Hayes

Schedule 12, page 170, line 16, after ‘meaning’ insert ‘of Part 1’.

Mr John Hayes

Schedule 12, page 171, line 13, after ‘meaning’ insert ‘of Part 1’.
Mr John Hayes

Schedule 12, page 171, line 21, at end insert—

‘National Health Service Act 2006 (c. 41)

69A In section 2A of the National Health Service Act 2006 (Secretary of State’s duty as to protection of public health)—

(a) in subsection (3)(b), for “the Health and Safety Executive” substitute “a relevant body”;
(b) in subsection (4)(a), for “Health and Safety Executive” substitute “relevant body”;

(c) after subsection (4) insert—

“(5) For the purposes of subsections (3) and (4), each of the following is a relevant body—

(a) the Health and Safety Executive;
(b) the Office for Nuclear Regulation.”.’.

Mr John Hayes

Schedule 12, page 171, line 24, at end insert—

‘Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

70A In section 25 of the Corporate Manslaughter and Corporate Homicide Act 2007, in the definition of “health and safety legislation”, at the end insert “and provision dealing with health and safety matters contained in Part 2 of the Energy Act 2013 (nuclear regulation)”’.

Mr John Hayes

Schedule 12, page 171, line 29, at end insert—

‘Energy Act 2008 (c. 32)

71A The Energy Act 2008 is amended as follows.
71B In section 46 (approval of a funded decommissioning programme), in subsection (6), for paragraph (a) substitute—

“(a) the Office for Nuclear Regulation,”.

71C In section 50 (power to disapply section 49), in subsection (2), for paragraph (a) substitute—

“(a) the Office for Nuclear Regulation,”.

71D In section 54 (nuclear decommissioning: regulations and guidance), in subsection (8), for paragraph (a) substitute—

“(a) the Office for Nuclear Regulation,”.

71E In section 59 (offence of further disclosure of information), in subsection (2)(c)—

(a) for “the Health and Safety Executive” substitute “the Office for Nuclear Regulation”;
(b) for “the Executive” substitute “the Office for Nuclear Regulation”.

71F In section 63 (co-operation with other public bodies), in subsection (2), for paragraph (a) substitute—

“(a) the Office for Nuclear Regulation.”’.
Energy Bill, continued

Mr John Hayes

Schedule 12, page 172, line 4, at end insert—

‘Health and Social Care Act 2012 (c. 7)

74 In section 58(6) of the Health and Social Care Act 2012 (radiation protection functions), after paragraph (b) insert—

“(c) the Office for Nuclear Regulation”.’.

Tom Greatrex
Luciana Berger

Schedule 4, page 109, line 37, leave out ‘may’ and insert ‘will’.

Market access for independent renewable generators

Dr Alan Whitehead

To move the following Clause:—

“( ) The Secretary of State must exercise the powers conferred by this Chapter so as to establish an auction market (the “green power auction market”) in which generators are entitled to offer, and holders of supply licences are entitled to bid for, electricity generated from renewable sources.

( ) The Secretary of State must exercise those powers, and take such other steps (including the exercise of any other power conferred by or under a provision of this Part) as the Secretary of State considers necessary, for the purpose of ensuring that—

(a) the green power auction market begins to operate when the first CFD is made and does not cease to operate until expiry of the last CFD that has been made; and

(b) the reference price under a CFD entered into by a generator who is a party to an agreement made through the green power auction market is based on the price payable to the generator under that agreement.

( ) In this section—

“CFD” means a contract for difference as specified in subsection 2(a) and (b);

“supply licence” means a licence under section 6(1)(d) of EA 1989.”.