Dr Alan Whitehead

Clause 35, page 21, line 15, at end add—

‘(4) The Secretary of State may not exercise the power in subsection (1) in such a way that confers an advantage upon one land-based low-carbon generation technology over another.’.

Clause agreed to.

Clause 36 agreed to.

Tom Greatrex
Luciana Berger

Clause 37, page 23, line 33, at end insert—

‘(p) provision made by virtue of subsection (2)(j) must be in place for 36 months after regulations by virtue of section 2 are enacted.’.

Tom Greatrex
Luciana Berger

Clause 37, page 27, line 20, at end insert—

‘(c) regulations by virtue of this section must set out the circumstances in which the Secretary of State may revoke the designation by virtue of subsection (4).’.

Clause agreed to.
Barry Gardiner
Dr Alan Whitehead

Clause 38, page 39, line 36, leave out subsection (2) and insert—

‘(2) For generating stations constructed pursuant to a relevant consent given or made on or after the date on which subsection (1) comes into force and prior to 1 January 2020, until (and including) 2029 the statutory rate of emissions is 450g/kWh.

(2A) For generating stations constructed pursuant to a relevant consent given or made on or after 1 January 2020, until (and including) 2034 the statutory rate of emissions is 200g/kWh.’.

Clause agreed to.

Tom Greatrex
Luciana Berger

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

Barry Gardiner
Dr Alan Whitehead

Schedule 4, page 110, line 4, at end insert—

‘(iii) substantial pollution abatement equipment dealing with oxides of sulphur, oxides of nitrogen, heavy metal emissions or particles is fitted to the generating station.’.

Schedule agreed to.

Clauses 39 and 40 agreed to.

Schedule 5 agreed to.

Clauses 41 and 42 agreed to.

Mr John Hayes

Clause 43, page 45, line 6, at end insert ‘, or under paragraph 6 of Schedule 3,’.

Mr John Hayes

Clause 43, page 45, line 13, leave out ‘or 3’ and insert ‘, 3 or 5’.

Mr John Hayes

Clause 43, page 45, line 22, leave out ‘under section 2 or 17’ and insert ‘of a kind mentioned in subsection (1)’.
Energy Bill, continued

Mr John Hayes
Clause 43, page 45, line 23, after ‘25’, insert ‘or paragraph 19 of Schedule 3’.

Clause, as amended, agreed to.

Clauses 44 and 45 agreed to.

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Barry Gardiner
Dr Alan Whitehead

Clause 46, page 47, line 20, at end insert—
‘(f) Chapter 8 (Emissions Performance Standard).’.

Clause agreed to.

Clauses 47 to 54 agreed to.
Schedule 6 agreed to.
Clauses 55 to 57 agreed to.
Schedule 7 agreed to.
Clauses 58 to 62 agreed to.
Schedule 8 agreed to.
Clauses 63 to 72 agreed to.

Mr John Hayes

Clause 73, page 63, line 19, at end insert—
‘( ) advice given in a particular case.’.

Clause as amended, agreed to.

Clauses 74 to 79 agreed to.

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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—
Energy Bill, continued

(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.’.

Schedule, as amended, agreed to.

Clauses 80 to 85 agreed to.

Schedule 10 agreed to.

Clauses 86 to 90 agreed to.

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).’.

Clause, as amended, agreed to.

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 (2B) 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;
Energy Bill, continued

(d) the transport purposes.

(2B) The provisions mentioned in subsection (2A) 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).’.

Clause, as amended, agreed to.

Clause 93 agreed to.

Schedule 11 agreed to.

Clause 94 agreed to.

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 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”

‘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”.

Mr John Hayes

Agreed to 104
Energy Bill, continued

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—
Energy Bill, continued

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—
“(c) 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

Agreed to 112

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

Agreed to 113

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;”.

Mr John Hayes

Agreed to

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”.’.

Schedule, as amended, agreed to.

Clauses 95 to 107 agreed to.

Schedule 13 agreed to.

Clause 108 agreed to.

[Adjourned until Tuesday 5 February at 8.55 am]