CONSIDERATION OF BILL

ENERGY BILL, AS AMENDED

Mark Reckless
Page 23, line 5, leave out Clause 38.

Mark Reckless
Page 42, line 27, leave out Clause 42.

Mark Reckless
Page 43, line 41, leave out Clause 43.

Mark Reckless
Page 45, line 14, leave out Clause 44.

Mark Reckless
Page 45, line 32, leave out Clause 45.

Mark Reckless
Page 46, line 36, leave out Clause 46.

Power to make capacity market rules

Secretary Edward Davey

To move the following Clause:—
Energy Bill, continued

‘(1) The Secretary of State may make capacity market rules which, subject to subsection (2), may contain any provision that may be made by electricity capacity regulations.

(2) Capacity market rules may not make—
   (a) provision falling within—
      (i) section 21(3);
      (ii) section 22(3);
      (iii) paragraphs (f) or (g) of section 22(4);
      (iv) section 22(5)(a);
      (v) paragraphs (b), (c), (d) or (f) of section 23(2);
      (vi) section 24;
      (vii) section [Provision about electricity demand reduction];
   (b) provision for the Secretary of State to require a person to provide information or advice to the Secretary of State.

(3) Electricity capacity regulations may make provision to confer on the Authority, to such extent and subject to such conditions as may be specified in the regulations, the power to make capacity market rules.

(4) The conditions may in particular include conditions about consultation; and provision made by virtue of subsection (3) must provide that, before any exercise of the power to make capacity market rules, the Authority must consult—
   (a) any person who is a holder of a licence to supply electricity under section 6(1)(d) of EA 1989;
   (b) any person who is a capacity provider.

(5) Provision made by virtue of subsection (3) may include provision—
   (a) or the reference to the Secretary of State in section 27(2)(c) to have effect, for the purposes of capacity market rules and to such extent as may be specified in the regulations, as a reference to the Authority;
   (b) for section 27(3) to apply in relation to a disclosure required by virtue of the capacity market rules.’.

Capacity market rules: procedure

Secretary Edward Davey

To move the following Clause:—

‘(1) Before the first exercise by the Secretary of State of the power to make capacity market rules, the Secretary of State must lay a draft of the rules before Parliament.

(2) If, within the 40-day period, either House of Parliament resolves not to approve the draft, the Secretary of State may not take any further steps in relation to the proposed rules.

(3) If no such resolution is made within that period, the Secretary of State may make the rules in the form of the draft.

(4) Subsection (3) does not prevent a new draft of proposed capacity market rules being laid before Parliament.

(5) In this section “40-day period”, in relation to a draft of proposed capacity market rules, means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the 2 days on which it is laid).
(6) For the purposes of calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

(7) Before any exercise by the Secretary of State of a power to make capacity market rules, the Secretary of State must consult—
   (a) the Authority;
   (b) any person who is a holder of a licence to supply electricity under section 6(1)(d) of EA 1989;
   (c) any person who is a capacity provider;
   (d) such other persons as the Secretary of State considers it appropriate to consult.

(8) In relation to any exercise by the Secretary of State or the Authority of a power to make capacity market rules, the person making the rules must, as soon as reasonably practicable after they are made, lay them before Parliament and publish them.’.

Capacity market rules: further provision

Secretary Edward Davey

To move the following Clause:—

‘(1) Capacity market rules may—
   (a) include incidental, supplementary and consequential provision;
   (b) make transitory or transitional provision or savings;
   (c) make different provision for different cases or circumstances or for different purposes;
   (d) make provision subject to exceptions.

(2) A power to make capacity market rules includes a power to amend, add to or remove capacity market rules (and a person exercising such a power may amend, add to or remove provision in capacity market rules made by another person).

(3) But subsection (2) is subject to provision made by electricity capacity regulations.’.

Provision about electricity demand reduction

Secretary Edward Davey

To move the following Clause:—

‘(1) This section applies where provision made by electricity capacity regulations relates to the provision of capacity by reducing demand for electricity.

(2) Where this section applies, the Secretary of State may, instead of conferring functions on the national system operator, confer functions on such other person or body as the Secretary of State considers appropriate.

(3) For the purposes of provision made by virtue of subsection (2), the references to the national system operator in—
   (a) section 22(5)(a) and (d);
   (b) section 23(2)(a) and 23(3)(a);
   (c) section 25;
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(d) section 27(2)(a) and (b);
(e) section 29,

are to be read as if they included a reference to a person or body on whom a function is conferred by virtue of this section.’.

Pilot scheme for electricity demand reduction

Secretary Edward Davey

To move the following Clause:—

‘There may be paid out of money provided by Parliament expenditure incurred by the Secretary of State in connection with arrangements made—

(a) for the purpose of reducing demand for electricity, and
(b) wholly or partly for the purpose of determining provision to be included in electricity capacity regulations.’.

Nuclear regulations: civil liability

Secretary Edward Davey

To move the following Clause:—

‘(1) Nuclear regulations may provide for breach of a relevant nuclear duty to be actionable (whether or not they also provide for it to be an offence).
(2) Except so far as nuclear regulations provide, any such breach does not give rise to a claim for breach of statutory duty.
(3) Nuclear regulations may provide for—
   (a) defences in relation to any action for breach of a relevant nuclear duty;
   (b) any term of an agreement which purports to exclude or restrict liability for breach of a relevant nuclear duty to be void.
(4) For this purpose “relevant nuclear duty” means a duty imposed by—
   (a) nuclear regulations, or
   (b) any provision of, or made under, the Nuclear Installations Act 1965 that is a relevant statutory provision.
(5) Nothing in this section affects any right of action or defence which otherwise exists or may be available.’.

Civil liability: saving for section 12 of the Nuclear Installations Act 1965

Secretary Edward Davey

To move the following Clause:—

‘Nothing in this Part affects the operation of section 12 of the Nuclear Installations Act 1965 (right to compensation by virtue of certain provisions of that Act).’.
‘(3A) The provision which may be made about the meaning of “reducing demand for electricity” includes provision that reducing the consumption of electricity reduces demand for electricity.’.

Secretary Edward Davey

Clause 22, page 13, line 19, leave out ‘to or’.

Secretary Edward Davey

Clause 22, page 13, line 21, leave out ‘to or’.

Secretary Edward Davey

Clause 22, page 14, line 6, at end insert—

‘(5A) Provision made by virtue of subsection (4)(f) and (g) may—

(a) include provision for a settlement body to calculate or determine, in accordance with such criteria as may be provided for by or under the regulations, amounts which are owed as capacity payments or capacity incentives;

(b) provide for anything which is to be calculated or determined under the regulations to be calculated or determined by such persons, in accordance with such procedure and by reference to such matters and to the opinion of such persons, as may be specified in the regulations.’.

Secretary Edward Davey

Clause 24, page 15, line 2, at end insert—

‘(1A) In subsection (1)(a) “costs” means costs in connection with the performance of any function conferred by or by virtue of this Chapter.’.

Secretary Edward Davey

Clause 28, page 16, line 19, at end insert ‘or by capacity market rules.

‘(1A) Capacity market rules may make provision about the enforcement of any obligation or requirement imposed by the rules.’.

Secretary Edward Davey

Clause 28, page 16, line 20, after ‘regulations’ insert ‘or in capacity market rules’.

Secretary Edward Davey

Clause 28, page 16, line 25, after ‘regulations’ insert ‘or under capacity market rules’.

Secretary Edward Davey

Clause 59, page 56, line 33, after ‘with’ insert ‘, in England and Wales, a fine or, in Scotland or Northern Ireland,’.
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Secretary Edward Davey

Clause 59, page 57, line 4, after ‘with’ insert ‘—
(i) in England and Wales, a fine (or a fine not exceeding an amount specified, which must not exceed level 4 on the standard scale), or
(ii) in Scotland or Northern Ireland’.

Secretary Edward Davey

Page 57, line 16, leave out Clause 60.

Secretary Edward Davey

Clause 68, page 61, line 29, leave out ‘a fine not exceeding’ and insert ‘—
(a) in England and Wales, a fine (or a fine not exceeding an amount specified, which must not exceed level 4 on the standard scale), or
(b) in Scotland or Northern Ireland, a fine not exceeding the amount specified, which must not exceed’.

Secretary Edward Davey

Clause 80, page 67, line 40, after ‘to’ insert ‘—
(i) in England and Wales, a fine, or
(ii) in Scotland or Northern Ireland’.

Secretary Edward Davey

Clause 82, page 68, line 27, after ‘to’ insert ‘—
(i) in England and Wales, a fine, or
(ii) in Scotland or Northern Ireland’.

Secretary Edward Davey

Clause 85, page 70, line 15, leave out ‘not exceeding the statutory maximum’ and insert ‘(in England and Wales) or a fine not exceeding the statutory maximum (in Scotland or Northern Ireland)’.

Secretary Edward Davey

Clause 86, page 71, line 4, leave out ‘not exceeding £20,000’ and insert ‘(in England and Wales) or a fine not exceeding £20,000 (in Scotland or Northern Ireland)’.

Secretary Edward Davey

Clause 87, page 71, line 20, after ‘to’ insert ‘—
(i) in England and Wales, a fine, or
(ii) in Scotland or Northern Ireland’.

Secretary Edward Davey

Clause 88, page 72, line 17, leave out ‘not exceeding £20,000,’ and insert ‘(in
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England and Wales) or a fine not exceeding £20,000 (in Scotland or Northern Ireland),’.

Secretary Edward Davey

Clause 98, page 78, line 29, at end insert—

‘(3) The power in subsection (2) includes power to make modifications of—

(a) paragraphs 16 to 25B of Schedule 12 (amendments of the Nuclear Installations Act 1965), or

(b) the provisions of the Nuclear Installations Act 1965 that are amended by those paragraphs.

(4) The power conferred by virtue of subsection (3) is exercisable—

(a) before or after the date on which those paragraphs come into force, and

(b) only for the purpose of making provision corresponding to any amendments of the Nuclear Installations Act 1965 set out in an order made before that date (whether before or after this Act is passed) under section 76 of the Energy Act 2004 (amendments for giving effect to international obligations).’.

Secretary Edward Davey

Clause 121, page 91, line 30, leave out from beginning to end of line 35 and insert—

‘by making provision of any of the kinds specified in subsection (3).

(3) The kinds of provision mentioned in subsection (1) are—’.

Secretary Edward Davey

Clause 121, page 91, line 36, after ‘(a)’ insert ‘provision’.

Secretary Edward Davey

Clause 121, page 91, line 38, leave out ‘for specifying a limit on’ and insert ‘provision for restricting’.

Secretary Edward Davey

Clause 121, page 92, line 1, leave out ‘about discretionary terms (and’ and insert ‘provision about discretionary terms (which’.

Secretary Edward Davey

Clause 121, page 92, line 4, after ‘(d)’ insert ‘provision’.

Secretary Edward Davey

Clause 121, page 92, line 5, leave out ‘including’ and insert ‘which may include’.

Secretary Edward Davey

Clause 121, page 92, line 11, leave out paragraph (e) and insert—
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‘(e) provision for requiring a licence holder to change the domestic tariff on which it supplies gas or electricity to a domestic customer who is on a closed tariff by—

(i) switching to a different domestic tariff for the time being offered by the licence holder, unless the customer objects, or

(ii) offering the customer, or inviting the customer to switch to, a different domestic tariff for the time being offered by the licence holder.’.

Secretary Edward Davey

Clause 121, page 92, line 17, at end insert—

‘( ) Any limit imposed by virtue of subsection (3)(b) on the number of tariffs, or tariffs of any category, that a licence holder may adopt must be greater than the number of standard domestic tariffs, or (as the case may be) standard domestic tariffs of that category, that the licence holder is required to adopt.’.

Secretary Edward Davey

Clause 121, page 92, line 38, at end insert—

‘( ) may make provision for determining when a licence holder is, or is not, to be regarded as offering to supply gas or electricity on a particular tariff (or as offering other terms in connection with domestic supply contracts) for the purpose of a relevant provision;

( ) may make provision for supplies (or proposed supplies) of gas or electricity to be regarded as being on the same tariff or different tariffs for the purpose of a relevant provision;’.

Secretary Edward Davey

Clause 121, page 93, line 17, at end insert—

‘“closed tariff” means a domestic tariff on which a licence holder—

(a) supplies gas or electricity to customers under existing domestic supply contracts, but

(b) no longer offers to supply gas or electricity to customers who are not already on the tariff;’.

Secretary Edward Davey

Clause 121, page 93, line 25, leave out from ‘tariff’” to end of line 26 and insert ‘means the set of principal terms of a domestic supply contract (or proposed domestic supply contract);’.

Secretary Edward Davey

Clause 121, page 93, line 41, leave out from ‘period’ to end of line 42 and insert ‘to be determined by the licence holder, but

(b) may not include any term setting the amount of a charge or rate or otherwise specifying how it is to be determined.’.

Secretary Edward Davey

Clause 121, page 93, line 45, leave out ‘and’ and insert—
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Energy Bill, continued

‘( ) a domestic customer is on a particular domestic tariff if gas or electricity is supplied to the customer on that tariff, and’.

Secretary Edward Davey

Clause 121, page 93, line 47, at end insert ‘(and references to adopting a tariff include references to doing either or both of them).’.

Secretary Edward Davey

Clause 121, page 94, line 1, leave out from second ‘of’ to end of line 3 and insert ‘domestic supply contracts which are the principal terms of such contracts.’.

Secretary Edward Davey

Clause 133, page 102, line 26, leave out ‘a person who is’.

Secretary Edward Davey

Clause 133, page 102, line 30, after ‘operator’ insert ‘, a person or body on whom a function is conferred by virtue of section [Provision about electricity demand reduction]’.

Secretary Edward Davey

Clause 134, page 103, line 19, leave out from ‘(a)’ to ‘to’ in line 20 and insert ‘paragraph 22 (amendment of section 24A of the Nuclear Installations Act 1965 as it has effect in England and Wales and Scotland) extends’.

Secretary Edward Davey

Schedule 8, page 139, line 5, leave out ‘not exceeding £20,000,’ and insert ‘(in England and Wales) or a fine not exceeding £20,000 (in Scotland or Northern Ireland),’.

Secretary Edward Davey

Schedule 8, page 143, line 34, leave out ‘not exceeding £20,000,’ and insert ‘(in England and Wales) or a fine not exceeding £20,000 (in Scotland or Northern Ireland),’.

Secretary Edward Davey

Schedule 8, page 144, line 5, after ‘to’ insert ‘—
(i) in England and Wales, a fine, or
(ii) in Scotland or Northern Ireland’.

Secretary Edward Davey

Schedule 8, page 144, line 13, after ‘to’ insert ‘—
(i) in England and Wales, a fine, or
(ii) in Scotland or Northern Ireland,’.
Secretary Edward Davey

Schedule 9, page 147, line 29, leave out ‘not exceeding the statutory maximum’ and insert ‘(in England and Wales) or a fine not exceeding the statutory maximum (in Scotland or Northern Ireland)’.

Secretary Edward Davey

Schedule 10, page 157, line 42, leave out ‘not exceeding £20,000,’ and insert ‘(in England and Wales) or a fine not exceeding £20,000 (in Scotland or Northern Ireland),’.

Secretary Edward Davey

Schedule 12, page 168, line 17, leave out from beginning to end of line 12 on page 171 and insert—

‘16 Restriction of certain nuclear installations to licensed sites

(1) No person may use a site for the purpose of installing or operating—
   (a) any nuclear reactor (other than a nuclear reactor comprised in a means of transport, whether by land, water or air), or
   (b) any other installation of a prescribed kind, unless a licence to do so has been granted in respect of the site by the appropriate national authority and is in force.

(2) Such a licence is referred to in this Act as a “nuclear site licence”.

(3) The only kinds of installation that may be prescribed under subsection (1)(b) are installations (other than nuclear reactors) designed or adapted for—
   (a) producing or using atomic energy,
   (b) any process which—
      (i) is preparatory or ancillary to producing or using atomic energy, and
      (ii) bulk quantities of other radioactive matter which has been produced or irradiated in the course of the production or use of nuclear fuel.

(4) Regulations under subsection (1)(b) may make provision for exempting an installation from subsection (1).

(5) Regulations made by virtue of subsection (4)—
   (a) may provide for any exemption to be conditional;
   (b) may not result in an installation being exempt from subsection (1) unless the Secretary of State is satisfied that it is not a relevant installation (or, in the case of a conditional exemption, would not be a relevant installation if the prescribed conditions were satisfied).

(6) Before exercising any function under subsection (1)(b), (4) or (5) in or as regards Scotland, the Secretary of State must consult the Scottish Ministers.

(7) Any person who contravenes subsection (1) is guilty of an offence.
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(8) A person convicted of an offence under subsection (7) in England and Wales or Scotland is liable—
   (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
   (b) on summary conviction to imprisonment for a term not exceeding 12 months, or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland), or both.

(9) A person convicted of an offence under subsection (7) in Northern Ireland is liable—
   (a) on conviction on indictment to imprisonment for a term not exceeding 5 years, or a fine, or both;
   (b) on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding the prescribed sum, or both.

(10) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to imprison), the reference to 12 months in subsection (8)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.

(11) Subsection (1) is subject to section 47 of the Energy Act 2008 (prohibition in England and Wales and Northern Ireland on use of site in absence of approved funded decommissioning programme).

17 For section 1 substitute—

"3 Grant and variation of nuclear site licences

(1) A nuclear site licence—
   (a) may be granted only to a body corporate;
   (b) is not transferable.

(2) The appropriate national authority must consult the appropriate environment authority before granting a nuclear site licence.

(3) Two or more installations in the vicinity of one another may, if the appropriate national authority consider appropriate, be treated for the purposes of the grant of a nuclear site licence as being on the same site.

(4) Subject to subsection (8), where an application is made for a nuclear site licence, the appropriate national authority may direct the applicant to serve a notice on any public authority specified in the direction.

(5) For this purpose “public authority” includes—
   (a) in relation to a site in England or Wales, a water undertaker;
   (b) in relation to a site in Scotland, Scottish Water;
   (c) in relation to a site in Northern Ireland, a water undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21))).

(6) Such a notice must—
   (a) state that the application has been made,
   (b) give such particulars about the proposed use of the site under the licence as may be specified in the direction, and
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(c) state that the body on whom it is served may make representations about the application to the appropriate national authority within three months of the date of service.

(7) Where a direction has been given under subsection (4), the appropriate national authority may not grant the licence unless it is satisfied that—
(a) three months have passed since the service of the last of the notices required by the direction, and
(b) the authority has considered any representations made in accordance with any of those notices.

(8) Subsection (4) does not apply in relation to an application in respect of a site for a generating station where—
(a) a consent under section 36 of the Electricity Act 1989 is required for the operation of the station (or would be required but for an order under the Planning Act 2008 granting development consent for the site), or
(b) a consent under Article 39 of the Electricity (Northern Ireland) Order 1992 is required for the operation of the station.

(9) A nuclear site licence may include provision about when section 19(1) is to start to apply in relation to the licensed site.

(10) But, if the licence relates to a site in England, Wales or Scotland, such a provision may be included only with the consent of the Secretary of State.

(11) Where a nuclear site licence includes such a provision, section 19(1) does not apply in relation to the site until—
(a) the time determined in accordance with the provision, or
(b) if earlier, the time when the site is first used for the operation of a nuclear installation after the grant of the licence.

(12) The appropriate national authority may from time to time vary a nuclear site licence by excluding from it any part of the licensed site—
(a) which the licensee no longer needs for any use requiring such a licence, and
(b) with respect to which the appropriate national authority is satisfied that there is no danger from ionising radiations from anything on that part of the site.

(13) The appropriate national authority must consult the appropriate environment authority before varying a nuclear site licence if the variation relates to or affects the creation, accumulation or disposal of radioactive waste—

(14) In subsection (13), “radioactive waste”—
(a) in relation to a site in England or Wales, has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675)
(b) in relation to a site in Scotland or Northern Ireland, has the same meaning as in the Radioactive Substances Act 1993.”

For section 4 substitute—

“4 Attachment of conditions to licences

(1) The appropriate national authority—
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(a) must, when it grants a nuclear site licence, attach to it such conditions as the authority considers necessary or desirable in the interests of safety, and

(b) may attach such conditions to it at any other time.

(2) For the purposes of subsection (1), “safety” in relation to a nuclear site includes—

(a) safety in normal circumstances, and

(b) safety in the event of any accident or other emergency on the site.

(3) Conditions that may be attached to a licence by virtue of subsection (1) may in particular include provision—

(a) for securing that an efficient system is maintained for detecting and recording the presence and intensity of any ionising radiations from time to time emitted from anything on the site or from anything discharged on or from the site;

(b) with respect to the design, siting, construction, installation, operation, modification and maintenance of any plant or other installation on, or to be installed on, the site;

(c) with respect to preparations for dealing with, and measures to be taken on the happening of, any accident or other emergency on the site;

(d) without prejudice to sections 13 and 16 of the Radioactive Substances Act 1993 or to the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), with respect to the discharge of any substance on or from the site.

(4) The appropriate national authority may at any time attach to a nuclear site licence such conditions as the appropriate national authority may consider appropriate with respect to the handling, treatment and disposal of nuclear matter.

(5) The appropriate national authority may at any time vary or revoke any condition for the time being attached to a nuclear site licence by virtue of this section.

(6) The appropriate national authority must consult the appropriate environment authority before—

(a) attaching any condition to a nuclear site licence, or

(b) varying or revoking any condition attached to a nuclear site licence,

if the condition relates to or affects the creation, accumulation or disposal of radioactive waste.

(7) In subsection (6) “radioactive waste”—

(a) in relation to a site in England or Wales, has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675);

(b) in relation to a site in Scotland or Northern Ireland, has the same meaning as in the Radioactive Substances Act 1993.

(8) Any power under this section to attach, vary or revoke a condition is exercisable in writing.
(9) The appropriate national authority must consider any representation which is—
   (a) made to it by an organisation representing persons who have duties on a site in respect of which a nuclear site licence is in force, and
   (b) relates to the exercise by the authority of any of its powers under this section in relation to the site.

(10) Where a condition attached to a nuclear site licence by virtue of this section is contravened, each of the following is guilty of an offence—
   (a) the licensee, and
   (b) any person having duties upon the site in question who committed the contravention.

(11) A person convicted of an offence under subsection (10) in England and Wales or Scotland is liable—
   (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
   (b) on summary conviction to imprisonment for a term not exceeding 12 months, or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland), or both.

(12) A person convicted of an offence under subsection (10) in Northern Ireland is liable—
   (a) on conviction on indictment to imprisonment for a term not exceeding 5 years, or a fine, or both;
   (b) on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding the prescribed sum, or both.

(13) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates’ court’s power to imprison) the reference to 12 months in subsection (11)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.”

“5 Revocation and surrender of licences

(1) A nuclear site licence may at any time be—
   (a) revoked by the appropriate national authority, or
   (b) surrendered by the licensee.

(2) The appropriate national authority must consult the appropriate environment authority before revoking a nuclear site licence.

(3) Subsections (4) to (6) apply where a nuclear site licence has been revoked or surrendered.

(4) If the appropriate national authority requires it to do so, the licensee must deliver up or account for the licence to such person as the appropriate national authority may direct.

(5) During the remainder of the period of the licensee’s responsibility the appropriate national authority may give the licensee such directions as the authority may consider appropriate for preventing, or giving warning of, any risk of—
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(a) injury to any person, or
(b) damage to any property,
by ionising radiations from anything remaining on the site.

(6) A nuclear safety inspector may direct the licensee to ensure that, during the remainder of the period of responsibility, notices indicating the limits of the site are kept posted on the site in the positions specified in the direction.

(7) For this purpose, “nuclear safety inspector” means an inspector appointed—
(a) by the ONR under Schedule 8 to the Energy Act 2013, in the case of a site in England, Wales or Scotland, or
(b) under section 24, in the case of a site in Northern Ireland.

(8) A licensee who contravenes any direction for the time being in force under subsection (5) or (6) is guilty of an offence.

(9) A person who without reasonable cause pulls down, injures or defaces any notice posted under subsection (6) is guilty of an offence.

(10) A person convicted of an offence under subsection (8) in England and Wales or Scotland is liable—
(a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
(b) on summary conviction, to imprisonment for a term not exceeding 3 months, or a fine not exceeding the prescribed sum, or both.

(11) A person convicted of an offence under subsection (8) in Northern Ireland is liable—
(a) on conviction on indictment, to imprisonment for a term not exceeding 12 months, or a fine, or both;
(b) on summary conviction, to imprisonment for a term not exceeding 3 months, or a fine not exceeding the prescribed sum, or both.

(12) A person convicted of an offence under subsection (9) is liable on summary conviction—
(a) in England and Wales or Scotland, to a fine not exceeding level 2 on the standard scale;
(b) in Northern Ireland, to a fine not exceeding level 1 on the standard scale.

(13) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates’ court’s power to imprison), the reference to 12 months in subsection (10)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.

(14) In this Act, “period of responsibility” in relation to the licensee under a nuclear site licence means, as respects the site in question or any part of it, the period—
(a) beginning with the grant of the licence, and
(b) ending with whichever of the dates in subsection (15) is the earliest,
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except that it does not include any period during which section 19(1) does not apply in relation to the site.

(15) Those dates are—
(a) the date when the appropriate national authority gives notice in writing to the licensee that in the authority’s opinion there has ceased to be any danger from ionising radiations from anything on the site or, as the case may be, on the part of it in question;
(b) the date when a new nuclear site licence in respect of a site comprising the site in question or, as the case may be, that part of it, is granted (whether to the same licensee or to some other person);
(c) the date when the following conditions have both become satisfied—
(i) the site in question or, as the case may be, that part of it is used or occupied by or on behalf of the Crown, and
(ii) a nuclear site licence has ceased to be required in respect of that site or part.”

20 For section 6 substitute—

“6 Maintenance of list of licensed sites

(1) The appropriate authority must maintain a list showing every site in respect of which a nuclear site licence has been granted—

(2) The list—
(a) need not show any site or part of a site in the case of which—
(i) no nuclear site licence is for the time being in force; and
(ii) 30 years have passed since the end of the last licensee's period of responsibility;

(3) The authority must arrange for the list, or a copy of it, to be available for inspection by the public.

(4) In this section “appropriate authority” means—
(a) in relation to England and Wales and Northern Ireland, the Secretary of State;
(b) in relation to Scotland, the Scottish Ministers”

20A In section 19(1) (special cover for licensee’s liability), for “section 3(5)” substitute “section 3(11)”.

20B For section 22 (reporting of and inquiries into dangerous occurrences) substitute—

“22 Reporting of and inquiries into dangerous occurrences

(1) The provisions of this section apply where any prescribed occurrence happens—
(a) on a licensed site, or
(b) in the course of the carriage of nuclear matter on behalf of any person where a duty with respect to that carriage is imposed on that person by section 7, 10 or 11 of this Act.
Energy Bill, continued

(2) The licensee or other person mentioned in subsection (1) must ensure that the occurrence is reported without delay in the prescribed manner—
   (a) to the appropriate national authority, and
   (b) to such other persons, if any, as may be prescribed in relation to occurrences of that kind.

(3) A person who is required by virtue of subsection (2) to report an occurrence and who fails to do so is guilty of an offence.

(4) A person convicted of an offence under subsection (3) in England and Wales or Scotland is liable—
   (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
   (b) on summary conviction to imprisonment for a term not exceeding 12 months, or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland), or both.

(5) A person convicted of an offence under subsection (3) in Northern Ireland is liable on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding level 3 on the standard scale, or both.

(6) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates’ court’s power to imprison), the reference to 12 months in subsection (4)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.

(7) Before exercising any function under subsection (1) or (2) in or as regards Scotland, the Secretary of State must consult the Scottish Ministers.

(8) Subsections (9) to (11) have effect only in relation to a prescribed occurrence which happens in Northern Ireland.

(9) The Secretary of State—
   (a) may direct an inspector to make a special report with respect to the occurrence, and
   (b) may cause any such report, or so much of it as it is not in the Secretary of State’s opinion inconsistent with the interests of national security to disclose, to be made public at such time and in such manner as the Secretary of State considers appropriate.

(10) The Secretary of State may direct an inquiry to be held into the occurrence and its causes, circumstances and effects.

(11) Any such inquiry must be held—
   (a) in accordance with the provisions of Schedule 2 to this Act, and
   (b) in public, except where or to the extent that it appears to the Secretary of State expedient in the interests of national security to direct otherwise.”.”.
Energy Bill, continued

Secretary Edward Davey

Schedule 12, page 172, line 1, leave out sub-paragraph (3) and insert—
‘() Omit the definition of “inspector”.
() In the definition of “nuclear site licence” for “section 1(1)” substitute “section 1(2)”.’.

Secretary Edward Davey

Schedule 12, page 172, leave out line 10 and insert—
‘() In the definition of “period of responsibility” for “section 5(3)” substitute “section 5(14)”.
24 In section 27 (Northern Ireland) omit paragraphs (b) and (c) of subsection (1).’.

Secretary Edward Davey

Schedule 12, page 172, line 13, at end insert—
‘25A(1) Schedule 2 is amended as follows.
(2) In paragraph 1 for “section 22(5)” substitute “section 22(10)”.
(3) In paragraphs 1, 2, 5 and 6, for “the Minister” in each place where it appears substitute “the Secretary of State”.
(4) In paragraph 7—
(a) for “or, in Scotland, the Court of Session, and the High Court or Court of Session” substitute “and the High Court”; 
(b) omit “or, as the case may be, the Court of Session”.
(5) For the title substitute “Inquiries under section 22(10) relating to occurrences in Northern Ireland”.

Consequential repeals and revocations

25B In consequence of the amendments made by paragraphs 16 to 25A, the provisions listed in the following Table are repealed or revoked to the extent specified—

<table>
<thead>
<tr>
<th>Title</th>
<th>Extent of repeal or revocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electricity Act 1989 (c. 29)</td>
<td>In Schedule 16, paragraph 11.</td>
</tr>
<tr>
<td>Water Act 1989 (c. 15)</td>
<td>In Schedule 25, paragraph 33.</td>
</tr>
<tr>
<td>Radioactive Substances Act 1993 (c. 12)</td>
<td>In Schedule 4, paragraph 2.</td>
</tr>
<tr>
<td>Environment Act 1995 (c. 25)</td>
<td>In Schedule 22, paragraphs 7 to 9.</td>
</tr>
<tr>
<td>Energy Act 2004 (c. 20)</td>
<td>Section 78(1).</td>
</tr>
<tr>
<td>Energy Act 2008 (c. 32)</td>
<td>Section 65.</td>
</tr>
<tr>
<td>Marine and Coastal Access Act 2009 (c. 23)</td>
<td>In Schedule 14, paragraph 6.</td>
</tr>
<tr>
<td>The Nuclear Installations Act 1965 etc. (Repeals and Modifications) Regulations 1974 (S.I. 1974/2056)</td>
<td>Schedule 1, except for the entry relating to section 25 of the Nuclear Installations Act 1965.</td>
</tr>
</tbody>
</table>
### Energy Bill, continued

<table>
<thead>
<tr>
<th>Title</th>
<th>Extent of repeal or revocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Nuclear Installations Act 1965 (Repeal and Modifications) Regulations 1990 (S.I. 1990/1918)</td>
<td>In Schedule 2, paragraphs 1, 2, 3 and 6. In the Schedule, paragraph 1.</td>
</tr>
</tbody>
</table>
| The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750) | In Schedule 1, in the entry for the Nuclear Installations Act 1965, in column 1, in paragraph (b), the words “6 and”.
|                                                                                                                                | In Schedule 3, in the entry for the Nuclear Installations Act 1965, in column 1, the words—
|                                                                                                                                | (a) “1(1)(b) and (2)”;
|                                                                                                                                | (b) “and 22(1) and (2),”.
| The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90)) | In Part 1 of Schedule 2, paragraph 41.’. |

Secretary Edward Davey

Schedule 12, page 172, line 22, leave out ‘not exceeding £20,000,’ and insert ‘(in England and Wales) or a fine not exceeding £20,000 (in Scotland or Northern Ireland).’.