ENERGY BILL, AS AMENDED
[FIRST DAY]

NEW CLAUSES AND NEW SCHEDULES RELATING TO ELECTRICITY MARKET REFORM, OTHER THAN ANY RELATING TO ELECTRICITY DEMAND REDUCTION, AMENDMENTS TO PART 2, OTHER THAN AMENDMENTS 1, 10, 34 TO 47, 51 AND 100, NEW CLAUSES AND NEW SCHEDULES RELATING TO NUCLEAR REGULATION, AMENDMENTS TO PART 3, AMENDMENTS TO PART 5 AND AMENDMENTS TO CLAUSES 121 TO 125

Power to make capacity market rules

Secretary Edward Davey

To move the following Clause:—

‘(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—
Energy Bill, continued

(a) for 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.’.

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Capacity market rules: procedure

Secretary Edward Davey

Agreed to NC9

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.’.

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Energy Bill, continued

Capacity market rules: further provision

Secretary Edward Davey

Agreed to NC10

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.’.

Nuclear regulations: civil liability

Secretary Edward Davey

Agreed to NC13

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

Agreed to NC14

To move the following Clause:—
Energy Bill, continued

‘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).’.

Expert panel

Martin Horwood
Joan Walley
Caroline Lucas
Mr Mike Weir
Andrew Stunell

To move the following Clause:—

‘Schedule [The Expert Panel] has effect.’.  

Negatived on division NC5

Electricity cost for consumers

Mr Christopher Chope
Mr Edward Leigh

To move the following Clause:—

‘No duty imposed upon the Secretary by this Act shall apply if the consequence of the exercise of that duty is to raise the cost of electricity for consumers.’.

Not selected NC15

To move the following Schedule:—

‘The Expert Panel

1 Regulations shall establish a panel of experts (in this Act referred to as “the Expert Panel”) in accordance with paragraphs (2) to (6) below.

Duty to consult

2 (1) Regulations made by virtue of paragraph 1 shall provide that before—

(a) any contracts for differences are entered into under Part 1; or

(b) any investment contracts are entered into under Schedule 3
Energy Bill, continued

the Secretary of State shall seek advice from, and the opinion of, the Expert Panel in relation to the matters specified in sub-paragraph (2) below.

(2) The matters in relation to which advice and opinion is to be sought from the Expert Panel are—
(a) any advice provided to the Secretary of State by the national system operator;
(b) the financial and other terms on which it is proposed a contract for difference or an investment contract be entered into;
(c) whether the agreed strike price (or equivalent) and the term of the contract represents value for money for consumers; and
(d) whether, in all the circumstances, it is appropriate for the CFD Counterparty to enter into the relevant contract.

(3) Where the Secretary of State proposes to disregard in whole or in part any of the advice or opinion provided by the Expert Panel, he shall be under a duty to ensure the Expert Panel is provided with his reasons for disregarding or disagreeing with the advice or opinion and place a copy of the reasoning in the Library of the House.

3 Regulations made by virtue of paragraph 1 shall also—
(1) provide that it shall be the duty of the Secretary of State and the national system operator to provide the Expert Panel with all such information as it may require;
(2) require the Expert Panel to provide the Authority and Parliament with details of any advice and opinion provided under this Part;
(3) require the Expert Panel to publish minutes of its meetings; and
(4) permit the Expert Panel to publish such information as the Expert Panel thinks fit about the advice it gives.

Membership etc. of the Expert Panel

4 The members of the Expert Panel shall be appointed by the Secretary of State and shall comprise a Chairman, a consumer representative, a representative of the Committee on Climate Change, a representative of the Authority and such other members as the Secretary of State may decide.

5 (1) In appointing persons to be members of the Expert Panel, the Secretary of State must secure, so far as practicable, that the Expert Panel—
(a) is independent; and
(b) is comprised of technical, academic, economic, legal and such other experts necessary to give the informed advice required.

(2) The Expert Panel must not include any person who is—
(a) employed by an eligible generator, or who has been employed by an eligible generator in the previous 12 months;
(b) employed by an electricity supplier, or who has been employed by an electricity supplier in the previous 12 months; or
(c) employed by the national system operator.

(3) The Chairman and every member of the Expert Panel—
(a) shall be appointed for a fixed period, specified in the terms of their appointment, but shall be eligible for reappointment at the end of that period;
(b) shall not serve on the Expert Panel for longer than eight years in total;
(c) may at any time be removed by a notice from the Expert Panel to the Secretary of State following a majority vote.
Energy Bill, continued

Committees and other procedures of the Expert Panel

6 The Expert Panel may make such arrangements as they think fit—
   (a) for committees established by the Expert Panel to give advice to it about carrying out the Expert Panel’s functions, providing such committees only include persons who are members of the Expert Panel;
   (b) for regulating its own procedure and for regulating the procedure of committees established by them, including timescales of giving advice, as it sees fit;
   (c) as to quorums and the making of decisions by majority.’.

Chris Heaton-Harris

Clause 5, page 4, line 42, at end add ‘with predominating weight given to (2)(c) the cost to consumers.’.

Secretary Edward Davey

Clause 5, page 5, line 10, at end insert—
   ‘(4) The Secretary of State must before 31st December in each year, beginning with 2014, prepare and lay before Parliament a report setting out how the Secretary of State has carried out during the year the functions under this Part of this Act.
   (5) The Secretary of State must publish the report and send a copy of it to the Department of Enterprise, Trade and Investment, the Scottish Ministers and the Welsh Ministers.’.

Chris Heaton-Harris

Clause 6, page 5, line 21, at end insert—
   ‘(c) which is a public document and will be made available, together with all related documents, by the Secretary of State and the parties to the contract.’.

Caroline Lucas
Martin Caton
Martin Horwood

Clause 6, page 5, line 28, at end insert ‘, with the exception of electricity generated from nuclear power stations’.
**Energy Bill, continued**

Sir Nick Harvey  
Caroline Lucas  
Kelvin Hopkins  
Mr John Leech  
Martin Caton  
Stephen McPartland  
Mr Andrew Smith  
Sheila Gilmore  
Not called  

Clause 6, page 5, line 29, at end insert—

‘“Biomass” means fuel used in a generating station where—

(a) at least 90 per cent of its energy content is derived from relevant material (that is to say, material which is, or is derived directly or indirectly from, plant matter, animal matter, fungi or algae), and

(b) if fossil fuel forms part of it—

(i) the fossil fuel is present following a process—

(aa) to which the relevant material has been subject, and

(bb) the undertaking of which has caused the fossil fuel to be present in, on or with that material even though that was not the object of the process; or

(ii) it is waste and the fossil fuel forming part of it was not added to it with a view to its being used as a fuel.

“Qualifying combined heat and power generating station” means a combined heat and power generating station which has been accredited under the CHPQA.’

Secretary Edward Davey  
Agreed to  

Clause 7, page 6, line 15, at beginning insert ‘The Secretary of State may exercise the power to designate so that’.  

Secretary Edward Davey  
Agreed to  

Clause 7, page 6, line 15, leave out ‘may have’ and insert ‘has’.  

Secretary Edward Davey  
Agreed to  

Clause 7, page 6, line 15, at end insert ‘, but only if the Secretary of State considers it necessary for the purpose of ensuring that—

(a) liabilities under a CFD are met,

(b) arrangements entered into for purposes connected to a CFD continue to operate, or

(c) directions given to a CFD counterparty continue to have effect.’.  

Secretary Edward Davey  
Agreed to  

Clause 7, page 6, line 20, leave out ‘28 days’ and insert ‘3 months’.”
Energy Bill, continued

Secretary Edward Davey

Clause 7, page 6, line 29, leave out ‘obligations’ and insert ‘liabilities’.

Agreed to 57

Secretary Edward Davey

Clause 8, page 6, line 39, at end insert—

‘(1A) A CFD counterparty must exercise the functions conferred by or by virtue of this Chapter to ensure that it can meet its liabilities under any CFD to which it is a party.’.

Agreed to 58

Secretary Edward Davey

Clause 9, page 7, line 13, at end insert—

‘(2A) In subsection (2)(a) “costs” means costs in connection with the performance of any function conferred by or by virtue of this Chapter.’.

Agreed to 59

Secretary Edward Davey

Clause 9, page 7, line 39, at end insert—

‘(7A) A CFD counterparty may recover from an electricity supplier, as a civil debt due to it, any sum which—

(a) the electricity supplier is required by virtue of regulations to pay to the CFD counterparty, and

(b) has not been paid by the date on which it is required by virtue of regulations to be paid.’.

Agreed to 60

Sir Nick Harvey
Caroline Lucas
Kelvin Hopkins
Mr John Leech
Martin Caton
Stephen McPartland

Mr Andrew Smith Sheila Gilmore

Not called 33

Clause 10, page 8, line 28, at end insert—

‘(10) A direction may not be given under this section to a fossil fuel or renewable energy plant with a rated capacity of 15MW or greater that use any biomass unless they are—

(a) a qualifying combined heat and power generating station; or
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Energy Bill, continued

(b) an operational carbon capture and storage plant.’.

Secretary Edward Davey

Clause 11, page 8, line 31, at end insert—

‘(1A) Provision made by virtue of this section may—

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

(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.’.

Caroline Lucas
Andrew George
Mark Durkan
Mr John Leech
Martin Caton
Mr Andrew Smith

Ms Margaret Ritchie
Martin Horwood

Clause 11, page 8, line 37, at end insert—

‘(3) Payments offered under a contract for difference relating to the supply of electricity generated by nuclear power must not exceed payments offered under any contract for the supply of electricity from renewable sources.

(4) For the purposes of subsection (3)—

(a) the calculation of payments must include both the strike price and the duration of the contract;

(b) renewable sources are defined in accordance with Article 2 of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources.’.

Secretary Edward Davey

Clause 12, page 9, line 2, leave out ‘obligations’ and insert ‘its liabilities’.

Secretary Edward Davey

Clause 12, page 9, line 4, leave out ‘obligations’ and insert ‘its liabilities’.

Secretary Edward Davey

Clause 12, page 9, line 4, at end insert—
Energy Bill, continued

‘(2A) In making provision by virtue of subsection (1) the Secretary of State must have regard to the principle that sums should be apportioned in proportion to the amounts which are owed.’.

Secretary Edward Davey

Clause 15, page 10, line 21, at end insert—

‘(3) Regulations must include such provision as the Secretary of State considers necessary to ensure that a CFD counterparty can meet its liabilities under any CFD to which it is a party.’.

Peter Aldous

Clause 17, page 11, line 6, at end insert—

‘(2A) In determining for the purposes of an order under subsection (1) whether the maximum cost provided for by the order has been reached, or a cost greater than that maximum would be incurred, a cost is to be taken into account if, and only if, it has been incurred, or is to be incurred, in connection with low carbon electricity generation.

(2B) The Secretary of State may give a direction suspending the effect of an order under subsection (1) for such period, and in relation to costs of such description, as are specified in the direction.

(2C) Before giving a direction under subsection (2B) the Secretary of State must consult such persons as the Secretary of State thinks appropriate.’.

Chris Heaton-Harris

Clause 18, page 11, line 33, at end insert—

‘(i) All consumers of electricity upon whom the costs of the regulations will fall.’.

Caroline Lucas
Andrew George
Mark Durkan
Mr John Leech
Martin Caton
Ms Margaret Ritchie

Martin Horwood

Clause 18, page 11, line 35, at end insert—

‘(3) Before making regulations under this Chapter which relate to nuclear electricity generation, the Secretary of State must ask the National Audit Office to carry out
Energy Bill, continued

an examination of and produce a report on whether the terms of the contract for difference offer value for money.

(4) The Secretary of State may ask the National Audit Office to carry out an examination and produce a report on the terms of a contract relating to non-nuclear generation.

(5) The National Audit Office report and recommendations must be published one month before a contract is laid before Parliament.’.

Dr Alan Whitehead

Clause 21, page 12, line 40, at end insert ‘capacity may be secured by capacity auctions or by the establishment of a strategic reserve or by other means’.

Chris Heaton-Harris

Clause 22, page 13, line 15, after ‘agreement’ insert, ‘is a public document to be made available, together with all related documents, by the Secretary of State and the parties to the agreement; and’.

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’.

Caroline Lucas

Clause 22, page 13, line 21, at end insert—

‘(2A) Electricity capacity regulations may not make provision in respect of fossil fuel plants.

(2B) For the purposes of subsection (2A) “fossil fuel plant” means an electricity generating station which satisfies the conditions in Chapter 8, Section 42(4)(b).’.

Caroline Lucas

Not called 29

Mr Andrew Smith

Clause 22, page 13, line 23, at end insert—

‘(3A) Capacity agreements may not be made in respect of nuclear electricity generation.’.
Energy Bill, continued

Dr Alan Whitehead

Clause 22, page 14, line 6, at end insert—
‘(e) conferring on the Secretary of State the power by regulation to introduce a system of strategic reserve of supply; and

(f) conferring on The Secretary of State by regulation the power to designate a nominated person to hold and manage the Strategic Reserve on his behalf (“the Strategic Reserve Operator”).’.

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.’.

Dr Alan Whitehead

Clause 22, page 14, line 9, at end add—
‘(7) (a) A person is eligible to be designated as the Strategic Reserve Operator if the person is—

(i) a company formal and registered under the Companies Act 2006;

(ii) a public authority, including any person whose functions are of a public nature.

(b) The Strategic Reserve Operator must contract with the System Operator for the circumstances under which the Strategic Reserve Operator supplies power to the System Operator.

(c) The Secretary of State must approve the drawing up of any contract between the System Operator and the Strategic Reserve Operator and may from time to time vary the terms of the contract should circumstances require.

(d) The Secretary of State must lay before Parliament a reasoned case for any change of content under subsection (5).

(e) Strategic Reserve regulations may make provision for payments to be made by electricity suppliers or capacity providers to a settlement body for the purposes of enabling the body—

(i) to meet such descriptions of its costs that the Secretary of State considers appropriate;

(ii) to hold sums in reserve;

(iii) to make payments to the Strategic Reserve Operator for the purpose of securing and operating Strategic Reserve capacity.’.
Energy Bill, continued

Secretary Edward Davey

Agreed to 104

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.’.

Chris Heaton-Harris

Not called 166

Clause 27, page 15, line 40, leave out ‘may’ and insert ‘must’.

Secretary Edward Davey

Agreed to 105

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

Agreed to 106

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

Secretary Edward Davey

Agreed to 107

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

Mark Reckless
David T.C. Davies
Mr John Redwood
Mr David Nuttall
Mr Christopher Chope
Mr Edward Leigh

Not called 94

Page 23, line 5, leave out Clause 38.

Mr Christopher Chope
Mr Edward Leigh

Not called 151

Clause 38, page 23, line 34, at end add—

‘(5) The Secretary of State may not exercise the power under subsection (1) if the consequence would be to raise the price of electricity for consumers.’.
Energy Bill, continued

Peter Aldous

Clause 41, page 25, leave out lines 35 to 42.

Peter Aldous

Clause 41, page 27, leave out lines 9 and 10.

Peter Aldous

Clause 41, page 27, line 14, before ‘make’, insert ‘and insofar as subsection (12) applies must,’.

Peter Aldous

Clause 41, page 28, line 17, leave out ‘may’ and insert ‘must, so as to make good the shortfall,’.

Peter Aldous

Clause 41, page 29, line 7, leave out ‘(10)’ and insert ‘(9)’.

Peter Aldous

Clause 41, page 29, line 8, leave out subsection (6).

Peter Aldous

Clause 41, page 34, leave out from line 8 to end of line 37 on page 35.

Peter Aldous

Clause 41, page 36, leave out from line 1 to end of line 46.

Chris Heaton-Harris

Clause 41, page 36, line 5, leave out ‘the costs’ and insert ‘the publicly substantiated costs’.

Chris Heaton-Harris

Clause 41, page 36, line 8, leave out ‘the income’ and insert ‘the publicly substantiated income’.

Chris Heaton-Harris

Clause 41, page 36, line 24, at end insert—
‘(g) the costs to consumers’.

Peter Aldous

Clause 41, page 37, leave out lines 18 and 19.
Chris Heaton-Harris

Clause 41, page 38, line 10, leave out ‘A certificate purchase order may provide for’ and insert ‘A certificate purchase order will require at least the same level of information as required under the Renewables Obligation and may provide for’.

Chris Heaton-Harris

Clause 41, page 38, line 37, leave out ‘may’ and insert ‘must’.

Chris Heaton-Harris

Clause 41, page 38, line 38, leave out ‘subsection (3)’ and insert ‘Section 32X’.

Mark Reckless
David T.C. Davies
Mr John Redwood
Mr David Nuttall
Mr Christopher Chope
Mr Edward Leigh
Karl McCartney Mr James Clappison Mr Douglas Carswell

Page 42, line 27, leave out Clause 42.

Chris Heaton-Harris

Clause 42, page 42, line 28, at beginning insert ‘Unless the Secretary of State or the Regulator permits otherwise in the consumer interest,’.  

Chris Heaton-Harris

Clause 42, page 42, line 31, leave out ‘7.446’ and insert ‘8.760’.

Caroline Flint
Tom Greatrex
Lucian Berger

Clause 42, page 42, line 35, at end insert—

‘( ) Section 42(1) is not to apply in relation to CCS plant until completion of the commissioning and proving period that shall last no longer than 3 years.’.
Barry Gardiner

Clause 42, page 42, line 36, leave out ‘2044’ and insert ‘2029’.

Mark Reckless
David T.C. Davies
Mr John Redwood
Mr David Nuttall
Mr Christopher Chope
Mr Edward Leigh

Karl McCartney Mr James Clappison Mr Douglas Carswell

Page 43, line 41, leave out Clause 43.

Chris Heaton-Harris

Clause 43, page 43, line 43, at end insert ‘or significant risk of other disadvantage to the consumer.’.

Mark Reckless
David T.C. Davies
Mr John Redwood
Mr David Nuttall
Mr Christopher Chope
Mr Edward Leigh

Karl McCartney Mr James Clappison Mr Douglas Carswell

Page 45, line 14, leave out Clause 44.

Mark Reckless
David T.C. Davies
Mr John Redwood
Mr David Nuttall
Mr Christopher Chope
Mr Edward Leigh

Karl McCartney Mr James Clappison Mr Douglas Carswell

Page 45, line 32, leave out Clause 45.
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Mark Reckless
David T.C. Davies
Mr John Redwood
Mr David Nuttall
Mr Christopher Chope
Mr Edward Leigh

Karl McCartney Mr James Clappison Mr Douglas Carswell

Page 46, line 36, leave out Clause 46.

Chris Heaton-Harris

Clause 50, page 50, line 16, leave out ‘As soon as is reasonably practical’ and insert ‘Within one month’.

Chris Heaton-Harris

Clause 50, page 50, line 16, leave out ‘five years’ and insert ‘one year’.

Secretary Edward Davey

Clause 50, page 50, line 23, at end insert—
‘( ) Chapter 8 (emissions performance standard).’.

Chris Heaton-Harris

Clause 50, page 50, line 31, at end insert—
‘(d) assess and detail the impact on electricity prices to the various classes of consumers of the measures described in the Act.’.

Secretary Edward Davey

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

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.

Agreed to 110

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’.

Agreed to 111

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,’.

Agreed to 112

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,’.

Agreed to 113

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)’.

Agreed to 114

Secretary Edward Davey

Clause 86, page 71, line 4, leave out ‘not exceeding £20,000’ and insert ‘(in
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 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 120, page 91, line 14, at end insert—

‘(4) In the 1986 Act—

(a) in section 4AA(7), for “sections 4AB and 4A” substitute “section 4A”;
(b) in section 7B(4), in paragraph (a) omit “, 4AB”;
(c) in section 23D(2)—

(i) at the end of paragraph (b) omit “and”,
(ii) in paragraph (c) for “sections 4AB and” substitute “section”, and
Energy Bill, continued

(iii) at the end of paragraph (c) insert “; and
(d) in the performance of its duties under section 114(1) and (2) of the Energy Act 2013.”;

(d) in section 28(5), in paragraph (a) omit “, 4AB”;
(e) in section 38(1A), omit “, 4AB”;
(f) in section 41E(6)—
   (i) omit paragraph (b), and
   (ii) at the end of paragraph (c) insert “; and
   (d) any statement for the time being designated as the strategy and policy statement for the purposes of Part 5 of the Energy Act 2013.”

(5) In EA 1989—
(a) in section 3A(7), for “sections 3B and 3C” substitute “section 3C”;
(b) in section 11E(2)—
   (i) at the end of paragraph (b) omit “and”,
   (ii) in paragraph (c) for “sections 3B and 3C” substitute “section 3C”, and
   (iii) at the end of paragraph (c) insert “; and
   (d) in the performance of its duties under section 114(1) and (2) of the Energy Act 2013.”;
(c) in section 28(2A), omit “, 3B”;
(d) in section 56C(6)—
   (i) omit paragraph (b), and
   (ii) at the end of paragraph (c) insert “; and
   (d) any statement for the time being designated as the strategy and policy statement for the purposes of Part 5 of the Energy Act 2013.”

Secretary Edward Davey

Agreed to 119

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

Agreed to 120

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

Secretary Edward Davey

Agreed to 121

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

Secretary Edward Davey

Agreed to 122

Clause 121, page 92, line 1, leave out ‘about discretionary terms (and’ and insert
Energy Bill, continued

‘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—

‘(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.’.

Mr Mike Weir
Hywel Williams
Pete Wishart
Jonathan Edwards
Angus Robertson
Dr Eilidh Whiteford

Mr Angus Brendan MacNeil Stewart Hosie Caroline Lucas

Clause 121, page 92, line 15, leave out from ‘objects’ to end of line 17.

Mr Mike Weir
Hywel Williams
Pete Wishart
Jonathan Edwards
Angus Robertson
Dr Eilidh Whiteford

Mr Angus Brendan MacNeil Stewart Hosie Caroline Lucas

Mark Durkan

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

‘(f) requiring a licence holder to ensure that—

(i) customers on prepayment meters shall be charged the lowest tariff available from that licence holder;

(ii) no more than 20 per cent. of each payment made goes towards meeting outstanding debt.’.

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—
‘( ) 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
Energy Bill, continued
‘domestic supply contracts which are the principal terms of such contracts.’.

Secretary Edward Davey

Clause 133, page 102, line 25, after ‘3’ insert ‘of Part 2’.

Agreed to 68

Secretary Edward Davey

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

Agreed to 134

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’.

Agreed to 136

Secretary Edward Davey

Clause 135, page 103, line 41, leave out ‘120(1) (repeals)’ and insert ‘120(1), (4) and (5)’.

Agreed to 69

Caroline Lucas
Andrew George
Mark Durkan
Martin Caton
Ms Margaret Ritchie
Martin Horwood

Not called 26

Schedule 2, page 106, line 40, at end insert—

(2A) Before entering into an investment contract, the Secretary of State must ask the National Audit Office to carry out an examination of and produce a report on whether the terms of the contract offer value for money.

(2B) The National Audit Office report and recommendations must be published one month before a contract is laid before Parliament.”.

Secretary Edward Davey

Schedule 2, page 107, line 25, leave out from ‘paragraph 3)’ to the end of line 29.

Agreed to 71
Not called 25

Schedule 2, page 107, line 43, at end insert—

‘(6A) An investment contract may not include provision to underwrite or provide state guarantees for all or part of the construction costs of nuclear generation plants.’.

Agreed to 72

Schedule 2, page 108, line 15, leave out from ‘paragraph 3)’ to the end of line 19.

Negatived on division 9

Schedule 2, page 108, line 24, at end insert—

‘( ) For the purposes of paragraphs 1 and 2, information is “confidential information” only if it constitutes a trade secret.’.

Not called 8

Schedule 2, page 108, line 26, leave out paragraph 3.

Agreed to 73

Schedule 2, page 109, line 24, leave out ‘may be designated’ and insert ‘is eligible’.

Agreed to 74

Schedule 2, page 109, line 29, at beginning insert ‘The Secretary of State may exercise the power to designate so that’.

Agreed to 75

Schedule 2, page 109, line 29, leave out ‘may have’ and insert ‘has’.

Agreed to 76

Schedule 2, page 109, line 29, at end insert ‘, but only if the Secretary of State considers it necessary for the purpose of ensuring that—

(a) liabilities under an investment contract are met,
(b) arrangements entered into for purposes connected to an investment contract continue to operate, or
(c) directions given to an investment contract counterparty continue to have effect.’.
Energy Bill, continued

Secretary Edward Davey

Agreed to 77
Schedule 2, page 109, line 34, leave out ‘28 days’ and insert ‘3 months’.

Secretary Edward Davey

Agreed to 78
Schedule 2, page 109, line 37, leave out ‘obligations’ and insert ‘liabilities’.

Secretary Edward Davey

Agreed to 79
Schedule 2, page 110, line 38, at end insert—
‘(3A) In sub-paragraph (3)(a) “costs” means costs in connection with the performance of any function conferred by or by virtue of this Schedule.’.

Secretary Edward Davey

Agreed to 80
Schedule 2, page 111, line 27, at end insert—
‘(9) The Secretary of State, an investment contract counterparty or a CFD counterparty may recover from an electricity supplier, as a civil debt due, any sum which—
(a) the electricity supplier is required by virtue of regulations to pay to the Secretary of State, the investment contract counterparty or the CFD counterparty (as the case may be), and
(b) has not been paid by the date on which it is required by virtue of regulations to be paid.’.

Secretary Edward Davey

Agreed to 81
Schedule 2, page 111, line 31, at end insert—
‘(2) Provision made by virtue of this paragraph may—
(a) include provision for the person by whom sums are owed to calculate or determine, in accordance with such criteria as may be provided for by or under the regulations, amounts which are owed;
(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

Agreed to 82
Schedule 2, page 111, line 43, leave out ‘obligations’ and insert ‘liabilities’.

Secretary Edward Davey

Agreed to 83
Schedule 2, page 112, line 2, leave out ‘obligations’ and insert ‘liabilities’.

Secretary Edward Davey

Agreed to 84
Schedule 2, page 112, line 3, at end insert—
‘(2A) In making provision by virtue of sub-paragraph (1) the Secretary of State must have regard to the principle that sums should be apportioned in proportion to the amounts which are owed.’.
Energy Bill, continued

Secretary Edward Davey

Schedule 2, page 114, line 11, at end insert—
'(1A) An investment contract counterparty and a CFD counterparty must exercise the functions conferred by or by virtue of this Schedule to ensure that it can meet its liabilities under any investment contract to which it is a party.'.

Secretary Edward Davey

Schedule 2, page 114, line 30, at end insert—
'(4) Regulations must include such provision as the Secretary of State considers necessary to ensure that an investment contract counterparty or a CFD counterparty can meet its liabilities under any investment contract to which it is a party.'.

Secretary Edward Davey

Schedule 2, page 115, line 5, after ‘property,’ insert ‘or designated’.

Secretary Edward Davey

Schedule 2, page 115, line 16, leave out ‘, to any extent considered appropriate by the Secretary of State,’.

Secretary Edward Davey

Schedule 2, page 115, line 17, after ‘treated’ insert ‘to any extent’.

Secretary Edward Davey

Schedule 2, page 115, line 18, at end insert—
'(2A) Sub-paragraph (2B) applies from the beginning of the first day on which all of the following three conditions are met, namely—
(a) a definition of an “eligible generator” is in force by virtue of section 10(3) or the date is 1st January 2016 or later;
(b) a designation under section 7(1) has effect;
(c) provision required by section 9(1) to be made is in force.

(2B) The Secretary of State must in respect of each investment contract, within such period of time as the Secretary of State considers reasonable—
(a) make a transfer scheme by virtue of sub-paragraph (1)(a) or (c) to ensure the transfer of all rights and liabilities under the investment contract, and
(b) make provision under sub-paragraph (2) for the investment contract to be treated as a CFD for the purposes of all provision made by or by virtue of Chapter 2 of Part 2 of this Act.

(2C) But sub-paragraph (2B) does not apply to the extent that the Secretary of State considers it appropriate in all the circumstances of the case to disapply it.'.
Energy Bill, continued

Barry Gardiner

Schedule 4, page 119, line 13, 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.’.

Secretary Edward Davey

Agreed to

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

Agreed to

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

Agreed to

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

Agreed to

Schedule 8, page 144, line 13, after ‘to’ insert ‘—

(a) in England and Wales, a fine, or
(b) in Scotland or Northern Ireland,’.

Secretary Edward Davey

Agreed to

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

Agreed to

Schedule 9, page 149, line 9, at end insert—

‘( ) the Natural Resources Body for Wales;’.
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),’.

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

‘16 For section 1 substitute—

1 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) involves, or is capable of causing, the emission of ionising radiations, or

(c) storing, processing or disposing of—

(i) nuclear fuel, or

(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.
(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).

For section 3 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
Energy Bill, continued

(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—
Energy Bill, continued

(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.”

For section 5 substitute—

“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—
(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 12 months, or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland), 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,
Energy Bill, continued

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;

(b) must include a map or maps showing the position and limits of each site shown in the list.

(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.
(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 171, line 35, leave out ‘or Wales’.

Agreed to 92

Secretary Edward Davey

Schedule 12, page 171, line 40, at end insert—

‘() in the case of a site in Wales, the Natural Resources Body for Wales;’.

Agreed to 93

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)”.

Agreed to 144

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).

Agreed to 145

Schedule 12, page 172, line 13, at end insert—

‘25A(1) Schedule 2 is amended as follows.

(1) In paragraph 1 for “section 22(5)” substitute “section 22(10)”.

(2) In paragraphs 1, 2, 5 and 6, for “the Minister” in each place where it appears substitute “the Secretary of State”.

(3) 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”.

(4) Omit paragraph 8.

(5) For the title substitute “Inquiries under section 22(10) relating to occurrences in Northern Ireland”.

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>
</tbody>
</table>
## Energy Bill, continued

<table>
<thead>
<tr>
<th>Title</th>
<th>Extent of repeal or revocation</th>
</tr>
</thead>
<tbody>
<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>
</tbody>
</table>
| Marine and Coastal Access Act 2009 (c. 23)                           | In section 112(3), the words “(other than section 65)”.
| The Nuclear Installations Act 1965 etc. (Repeals and Modifications) | In Schedule 14, paragraph 6.                                                                |
| Regulations 1974 (S.I. 1974/2056)                                   | Schedule 1, except for the entry relating to section 25 of the Nuclear Installations Act 1965. |
| The Nuclear Installations Act 1965 (Repeal and Modifications)        | In Schedule 2, paragraphs 1, 2, 3 and 6.                                                     |
| 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”.
| The Water Industry (Scotland) Act 2002 (Consequential Modifications) | 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),.” |
| Order 2004 (S.I. 2004/1822 (S. 3))                                  | In the Schedule, paragraph 5.                                                               |
| 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

Agreed to 147

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).’.
Energy Bill, continued

AMENDMENTS TO CLAUSE 126 AND SCHEDULE 14

Caroline Flint
Tom Greatrex
Luciana Berger

Schedule 14, page 192, line 9, leave out subsection (4).

Negatived on division

Caroline Flint
Tom Greatrex
Luciana Berger

Schedule 14, page 192, line 18, at end insert ‘unless one or more consumers have suffered loss or damage greater than this value.’.

Negatived on division

Caroline Flint
Tom Greatrex
Luciana Berger

Schedule 14, page 192, line 24, at end insert ‘unless one or more consumers have suffered loss or damage greater than this value.’.

Not called

Caroline Flint
Tom Greatrex
Luciana Berger

Schedule 14, page 198, line 31, leave out subsection (4).

Not called

Caroline Flint
Tom Greatrex
Luciana Berger

Schedule 14, page 198, line 40, at end insert ‘unless one or more consumers have suffered loss or damage greater than this value.’.

Not called

Caroline Flint
Tom Greatrex
Luciana Berger

Schedule 14, page 198, line 46, at end insert ‘unless one or more consumers have suffered loss or damage greater than this value.’.

Not called

Bill to be further considered tomorrow.