
Report Stage: Thursday 6 January 2022

Nuclear Energy (Financing) Bill (Amendment Paper)

This document lists all amendments tabled to the Nuclear Energy (Financing) Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: 1 to 10 and NC1

Alan Brown

NC1

★ To move the following Clause—

“Report on proposed payments to a nuclear administrator or relevant licensee nuclear company

- (1) Prior to making payments for the purpose described in section 41(2)(c), the Secretary of State must prepare and publish a report on the proposed payment and must lay a copy of the report before Parliament.
- (2) Before the payment is made, the report under subsection (1) must be approved by the House of Commons.”

Member’s explanatory statement

This new clause would require any payments under clause 41(2)(c) to be approved by the House of Commons before being made.

Dr Alan Whitehead

1

★ Clause 1, page 1, line 15, at end insert—

“(6) “Owned by a foreign power” means owned by a company controlled by a foreign state and operating for investment purposes.”

Member’s explanatory statement

This amendment is a definition of “foreign power” set out in Amendment 2.

Dr Alan Whitehead

2

★ Clause 2, page 2, line 14, at end insert—

- “(c) the nuclear company is not wholly or in part owned by a foreign power, and
- (d) the fuel rods for the company’s reactor are supplied by a UK based company.”

Member’s explanatory statement

This amendment prevents the Secretary of State from designating a nuclear company owned or part-owned by the agents of a foreign power and ensures that the fuelling of the designated company’s reactor is provided by a UK based company.

Alan Brown

6

★ Clause 3, page 3, line 8, at end insert—

- “(e) detail of any public funding agreed as part of the project development and the services being provided for this funding.”
-

Alan Brown

9

★ Clause 6, page 5, line 21, at end insert—

“(4A) The Secretary of State must lay a report before Parliament in respect of each project designated under section 2(1) before exercising the power under section 6 (1), setting out—

- (a) the expected overall capital cost of the prospective project,
- (b) the expected up-front cost of the prospective projects,
- (c) the general terms of the project for the sale of electricity onto the grid, including—
 - (i) a statement of whether the Government has offered the nuclear company a minimum floor price mechanism for the sale of electricity onto the National Grid,
 - (ii) the minimum floor price mechanism included in any arrangement including any inflationary or baseline indices, and
 - (iii) the duration in years of any such arrangement under sub-paragraph (ii); and
- (d) how decommissioning costs of the project will be met, including in the event of insolvency of the nuclear energy company, setting out any role for—
 - (i) revenue collection contracts, including any percentage specifically dedicated to decommissioning costs;
 - (ii) protection of decommissioning payments for time of need;
 - (iii) insurances; and
 - (iv) consumer risk.”

Member’s explanatory statement

In respect of new nuclear projects, this amendment would require the Secretary of State to lay before Parliament a report on the up-front and overall expected cost of the project, details of any agreement reached terms for the sale of electricity onto the National Grid and how decommissioning costs will be met, including in the event of the nuclear company becoming insolvent.

Alan Brown

8

★ Clause 6, page 6, line 15, at end insert—

- “(n) provision about penalties the Secretary of State may apply if the level of power outages of a nuclear reactor results in up to 60 non-operational days in a 12 month period.”
-

Dr Alan Whitehead

3

★ Clause 7, page 7, line 8, at end insert—

“(3A) When exercising the power in subsection (1), the Secretary of State must not cause the excess of expenditure being incurred over the allowable revenue cap to lead to further charges upon revenue collection contracts.”

Member’s explanatory statement

This amendment prevents the Secretary of State from allowing the levy of further consumer charges should an increase in allowable revenue be agreed following increases in costs or timescale of a nuclear project.

Dr Alan Whitehead

4

★ Clause 7, page 7, line 8, at end insert—

“(3A) When exercising the power in subsection (1), the Secretary of State must publish a statement setting out how an adjustment in the company’s allowed revenue is to be made without relying on revenue collection contracts.”

Member’s explanatory statement

This amendment requires the Secretary of State to set out how an adjustment to allowed revenue, following an increase in costs or time, is to be provided for by means other than additional customer levies.

Alan Brown

7

★ Clause 11, page 10, line 4, at end insert—

“(1A) The Secretary of State must exercise the power under subsection (1) to require each designated nuclear company to make an annual report of—

- (a) the number of outages of each reactor, the reasons for outages and the total number of non-operational days per outage, and
 - (b) an assessment of the operational lifespan of the reactor and its key components and details of all safety inspections carried out.”
-

Dr Alan Whitehead

5

★ Clause 32, page 24, line 24, at end insert—

“(5A) In the event that a relevant licensee nuclear company cannot be rescued as a going concern, or if a transfer of the undertaking to a wholly owned subsidiary does not result in the establishment of a going concern, the Secretary of State must establish a Government-owned company into which the assets, liabilities and undertakings of the relevant licensee nuclear company may be transferred in order to allow electricity supply to be commenced or continued at the nuclear installation in respect of which the relevant nuclear licensee holds a nuclear licence.”

Member’s explanatory statement

This amendment ensures the continuation of a nuclear project where a failed company cannot be rescued as a going concern or successfully have its assets transferred to a subsidiary.

Alan Brown

10

★ Clause 32, page 24, line 26, at end insert—

“(7) Prior to a transfer falling within section 32(3), the Secretary of State must lay a report before Parliament.

(8) The report under subsection (7) must set out—

- (a) the liabilities associated with the nuclear company;
- (b) any estimated costs of getting the plant operational again if it has been temporarily shut down;
- (c) the estimated lifespan of the nuclear power station; and
- (d) decommissioning costs and confirmation of any funding provided by the nuclear company for this purpose.”

Member’s explanatory statement

This amendment would require the Secretary of State to publish a report on the matters listed prior to any transfers falling within clause 32(3).

Order of the House

[3 November 2021]

That the following provisions shall apply to the Nuclear Energy (Financing) Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on 30 November 2021.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to conclusion at the moment of interruption on that day.
6. Standing Order No.83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
-