

**Changes to legislation:** Electricity Act 1989, SCHEDULE 12 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## F<sup>1</sup> SCHEDULES

### SCHEDULE 12

Section 97.

#### NUCLEAR LIABILITIES: FINANCIAL ASSISTANCE

##### *Grants by Secretary of State*

- 1 (1) <sup>F1</sup>... , the Secretary of State may, with the approval of the Treasury, make grants of such amounts as he thinks fit [<sup>F2</sup>for the purpose of meeting] qualifying expenditure, that is to say, expenditure incurred or to be incurred by any person [<sup>F3</sup>(whether or not the same person as the person to whom the grant is made)] in connection with—
- (a) the storage or reprocessing of nuclear fuel;
  - (b) the treatment, storage or disposal of radioactive waste;
  - <sup>F4</sup>(ba) the cleaning-up of a principal nuclear site; or
  - (c) the decommissioning of a nuclear installation.]
- (2) <sup>F1</sup>... , the Secretary of State may, with the approval of the Treasury, enter into an agreement with any person under which the Secretary of State undertakes that, if such conditions as may be specified in the agreement are satisfied, he will exercise the power conferred by this paragraph in such manner and to such extent as may be specified in the agreement.
- (3) A grant under this paragraph may be made at such times, in such manner and subject to such conditions as the Secretary of State with the approval of the Treasury may determine.
- (4) Any sums required by the Secretary of State for making grants under this paragraph shall be paid out of money provided by Parliament.
- <sup>F5</sup>(5) In this paragraph “cleaning-up”, “decommissioning”, “nuclear installation” and “principal nuclear site” have the same meanings as in Chapter 1 of Part 1 of the Energy Act 2004.]

#### Textual Amendments

- F1** Words in Sch. 12 para. 1(1) (2) repealed (8.5.2003) by [Electricity \(Miscellaneous Provisions\) Act 2003 \(c. 9\), s. 3\(2\)](#)
- F2** Words in Sch. 12 para. 1(1) substituted (8.5.2003) by [Electricity \(Miscellaneous Provisions\) Act 2003 \(c. 9\), s. 3\(3\)\(a\)](#)
- F3** Words in Sch. 12 para. 1(1) inserted (8.5.2003) by [Electricity \(Miscellaneous Provisions\) Act 2003 \(c. 9\), s. 3\(3\)\(b\)](#)
- F4** Sch. 12 para. 1(1)(ba)(c) substituted (5.10.2004) for Sch. 12 para. 1(1)(c) and preceding word by [Energy Act 2004 \(c. 20\), ss. 34\(1\), 198\(2\); S.I. 2004/2575, art. 2\(1\), Sch. 1](#)
- F5** Sch. 12 para. 1(5) inserted (5.10.2004) by [Energy Act 2004 \(c. 20\), ss. 34\(2\), 198\(2\); S.I. 2004/2575, art. 2\(1\), Sch. 1](#)

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### *Loans by Secretary of State*

- 2 (1) <sup>F6</sup> ..., the Secretary of State may, with the approval of the Treasury, make loans of such amounts as he thinks fit [<sup>F7</sup>for the purpose of meeting] qualifying expenditure.
- (2) A loan under this paragraph—
- (a) may be made at such times, in such manner and subject to such conditions as the Secretary of State may with the approval of the Treasury determine; and
  - (b) shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may, with the approval of the Treasury, from time to time direct.
- (3) Any sums required by the Secretary of State for making loans under this paragraph shall be paid out of money provided by Parliament.
- (4) Any sums received under sub-paragraph (2) above by the Secretary of State shall be paid into the Consolidated Fund.
- (5) It shall be the duty of the Secretary of State—
- (a) to prepare in respect of each financial year, in such form as the Treasury may direct, an account of sums issued to him for loans under this paragraph or received by him under this paragraph, and of the disposal by him of those sums; and
  - (b) to send the account to the Comptroller and Auditor General not later than the end of November in the following financial year;
- and the Comptroller and Auditor General shall examine, certify and report on the account and shall lay copies of it and of his report before each House of Parliament.

#### **Textual Amendments**

- F6** Words in Sch. 12 para. 2(1) repealed (8.5.2003) by [Electricity \(Miscellaneous Provisions\) Act 2003 \(c. 9\), s. 3\(2\)](#)
- F7** Words in Sch. 12 para. 2(1) substituted (8.5.2003) by [Electricity \(Miscellaneous Provisions\) Act 2003 \(c. 9\), s. 3\(4\)](#)

### *Guarantees by Secretary of State*

- 3 (1) <sup>F8</sup> ..., the Secretary of State with the approval of the Treasury may guarantee, in such manner and on such terms as he may think fit, the repayment of the principal of, the payment of interest on, and the discharge of any other financial obligation in connection with, any sums which are borrowed from a person other than the Secretary of State for the purpose of meeting qualifying expenditure.
- (2) Immediately after a guarantee is given under this paragraph, the Secretary of State shall lay a statement of the guarantee before each House of Parliament; and immediately after any sum is paid for fulfilling a guarantee so given, the Secretary of State shall so lay a statement relating to that sum.
- (3) Any sums required by the Secretary of State for fulfilling a guarantee under this paragraph shall be paid out of money provided by Parliament.

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- (4) If any sums are paid out in fulfilment of a guarantee given under this paragraph the person whose obligations are so fulfilled shall make to the Secretary of State, at such times and in such manner as the Secretary of State may from time to time direct—
- (a) payments of such amounts as the Secretary of State may so direct in or towards repayment of the sums so paid out; and
  - (b) payments of interest on what is outstanding for the time being in respect of sums so paid out at such rate as the Secretary of State may so direct;
- and the approval of the Treasury shall be required for the giving of a direction under this sub-paragraph.
- (5) Any sums received under sub-paragraph (4) above by the Secretary of State shall be paid into the Consolidated Fund.

**Textual Amendments**

**F8** Words in Sch. 12 para. 3(1) repealed (8.5.2003) by [Electricity \(Miscellaneous Provisions\) Act 2003 \(c. 9\), s. 3\(2\)](#)

- [<sup>F9</sup>3A The Secretary of State shall not—
- (a) make any grant or loan under this Schedule for the purpose of meeting any expenditure, or
  - (b) give any guarantee in respect of borrowing undertaken for the purpose of meeting any expenditure,
- if the expenditure is expenditure on anything for which the Nuclear Decommissioning Authority has a financial responsibility under section 21 of the Energy Act 2004.]

**Textual Amendments**

**F9** Sch. 12 para. 3A inserted (5.10.2004) by [Energy Act 2004 \(c. 20\), ss. 34\(3\), 198\(2\); S.I. 2004/2575, art. 2\(1\), Sch. 1](#)

*Financial limits*

<sup>F10</sup>4 .....

**Textual Amendments**

**F10** Sch. 12 para. 4 repealed (8.5.2003) by [Electricity \(Miscellaneous Provisions\) Act 2003 \(c. 9\), s. 3\(2\)](#)

*Interpretation*

5 In this Schedule “qualifying expenditure” has the meaning given by paragraph 1(1) above.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1)(f) and word inserted by [2023 c. 52 s. 186\(3\)\(b\)](#)
- s. 4(1)(ca) inserted by [2023 c. 52 s. 166\(2\)](#)
- s. 4(1)(da) inserted by [2023 c. 52 s. 205\(2\)\(b\)](#)
- s. 4(3H)(3I) inserted by [2023 c. 52 s. 186\(4\)](#)
- s. 4(3CA) inserted by [2023 c. 52 s. 205\(3\)](#)
- s. 4(3EA) inserted by [2023 c. 52 s. 205\(5\)](#)
- s. 6(1)(g) and word inserted by [2023 c. 52 s. 186\(7\)\(b\)](#)
- s. 6(1)(ea) inserted by [2023 c. 52 s. 205\(8\)\(b\)](#)
- s. 6(2C) inserted by [2023 c. 52 s. 186\(8\)](#)
- s. 6(2AA) inserted by [2023 c. 52 s. 205\(9\)](#)
- s. 6(6E) inserted by [2023 c. 52 s. 205\(10\)](#)
- s. 7(3GA) inserted by [2023 c. 52 s. 186\(17\)](#)
- s. 7A(11B) inserted by [2023 c. 52 s. 186\(18\)](#)
- s. 8A(1C) inserted by [2023 c. 52 s. 206\(6\)](#)
- s. 10NA inserted by [2023 c. 52 s. 207\(2\)](#)
- s. 11E(2)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(b\)\(iii\)](#)
- s. 11AA inserted by [2018 c. 14 s. 13\(3\)](#)
- s. 15(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 3(2)(b) (as substituted) by [S.I. 2019/1245 reg. 19](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 25(8A) inserted by [2023 c. 52 Sch. 14 para. 7\(3\)](#)
- s. 44A inserted by [1992 c. 43 s. 23](#)
- s. 44A(6)(b)(i) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 44B(1)(a)(iiia) inserted by [2023 c. 52 Sch. 17 para. 8](#)
- s. 56C(6)(d) and word inserted by [2013 c. 32 s. 138\(5\)\(d\)\(ii\)](#)
- Sch. 5A para. 2(1A) inserted by [2018 c. 14 s. 13\(4\)](#)
- Sch. 6A para. 9ZA and cross-heading inserted by [2023 c. 52 Sch. 14 para. 8](#)