

ENERGY ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Miscellaneous and Supplemental

Section 197: Repeals

471. [Section 197](#) and Schedule 23 provide for a number of repeals, including repeal of the following provisions:
- Repeal of the bulk of the provisions of the [Atomic Energy Authority Act 1995 \(c.37\)](#), with a saving in respect of the provisions relating to transfer schemes already made under that Act. The repealed provisions are no longer necessary in light of the extensive transfer scheme powers in the Act.
 - Repeal of sections 11(1) and (2) of the [Atomic Energy Authority Act 1971 \(c.11\)](#) (“the 1971 Act”). These powers are no longer needed, in light of the transfer scheme powers in the Act.
 - Disapplication of loan and guarantee powers in section 11(4) and section 12(1) of the 1971 Act, and section 1(1) and (2) of the Nuclear Industry (Finance) Act 1977, in relation to Amersham plc (formerly the publicly owned Radiochemical company). These amendments remove the Government’s power to take ownership of Amersham shares currently held by UKAEA, subscribe for shares in Amersham, and make and guarantee loans to Amersham. Now that Amersham plc is privately owned these powers are no longer necessary or appropriate.
 - Repeal of section 11(3) of the 1971 Act. Repeal of section 11(3) will remove the requirement on the Secretary of State to hold more than 50% of the shares in BNFL and is a necessary first step for the proposed restructuring of BNFL. There is also a consequential repeal of section 1(6) of the [Atomic Energy \(Miscellaneous Provisions\) Act 1981 \(c.48\)](#).
 - Repeal of section 20(4) of the 1971 Act. This provision is spent.
 - Repeal of the provisions setting out the current status and jurisdiction of the UKAEA Constabulary, including the identified paragraphs in Schedule 3 of the [Atomic Energy Authority Act 1954 \(c.32\)](#); the identified paragraphs in Schedule 1 of the [Nuclear Installations Act 1965 \(c.57\)](#); section 6(3) and (4) of the [Police and Criminal Evidence Act 1984 \(c.60\)](#); and the identified provisions in the [Ministry of Defence Police Act 1987 \(c.4\)](#), the [Criminal Justice and Police Act 2001 \(c.16\)](#), the [Anti-Terrorism Crime and Security Act 2001 \(c.24\)](#) and the [Police Reform Act 2002 \(c.30\)](#). These provisions are otiose given the creation of the Civil Nuclear Police Authority and the specific provision made in the Act for the role and jurisdiction of the Civil Nuclear Constabulary.