



Energy Act 2013

2013 CHAPTER 32

PART 6

CONSUMER PROTECTION AND MISCELLANEOUS

CHAPTER 2

MISCELLANEOUS

Fees

149 Fees in respect of decommissioning and clean-up of nuclear sites

- (1) Chapter 1 of Part 3 of the Energy Act 2008 (nuclear sites: decommissioning and clean-up) is amended as follows.
- (2) After section 45 (duty to submit funded decommissioning programme) insert—

“45A Costs incurred in considering proposed programmes

- (1) A person who informs the Secretary of State of a proposal to submit a funded decommissioning programme under section 45 must pay to the Secretary of State such fee as may be determined in accordance with regulations under section 54, in respect of the costs mentioned in subsection (2), at a time determined in accordance with such regulations.
- (2) The costs are those incurred by the Secretary of State in relation to the consideration of the proposed programme (or any particular aspect of it), including, in particular, the costs of obtaining advice in relation to it.”
- (3) In section 46 (approval of programme), after subsection (3G) insert—
 - “(3H) Where the Secretary of State makes or amends an agreement under subsection (3A), or it is proposed that such an agreement be made or amended,

Changes to legislation: Energy Act 2013, Section 149 is up to date with all changes known to be in force on or before 13 February 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

the site operator must pay to the Secretary of State such fee as may be determined in accordance with regulations under section 54, in respect of the costs mentioned in subsection (31), at a time determined in accordance with such regulations.

(31) The costs are those incurred by the Secretary of State in relation to the consideration of the agreement or amendment, including, in particular, the costs of obtaining advice in relation to the agreement or amendment.”

(4) In section 49 (procedure for modifying approved programme)—

- (a) in subsection (3), after “made,” insert “ or advice is sought from the Secretary of State about the making of a proposal, ”, and
- (b) in subsection (4), in the opening words after “proposal” insert “ (or the making of a proposal) ”.

(5) In section 66 (disposal of hazardous material), after subsection (3) insert—

“(3A) The Secretary of State may make regulations providing for a person who makes a proposal to the Secretary of State to enter an agreement of the kind mentioned in subsection (1), or proposes an amendment to such an agreement, to pay a fee to the Secretary of State in respect of the costs incurred in relation to the consideration of the proposal, including, in particular, the costs of obtaining advice in relation to it.

(3B) The regulations may, in particular, make provision about—

- (a) when the fee is to be paid;
- (b) how the amount of the fee is to be determined.”

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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. 68(4) inserted by [2023 c. 52 s. 302\(4\)](#)