



Nuclear Energy (Financing) Act 2022

2022 CHAPTER 15

PART 3

SPECIAL ADMINISTRATION REGIME

Application and amendment of the Energy Act 2004

33 Application of certain provisions of the Energy Act 2004

- (1) Sections 156 to 167 of, and Schedules 20 and 21 to, the Energy Act 2004 (special administration regime for energy licensees) apply in relation to an RLNC administration order as they apply in relation to an energy administration order within the meaning given by section 154(1) of that Act, but with the modifications set out in [subsections \(2\) to \(5\)](#).
- (2) In the application of those provisions generally—
 - (a) for “energy administration”, in each place where it occurs, substitute “relevant licensee nuclear company administration”;
 - (b) for “energy administrator”, in each place where it occurs, substitute “nuclear administrator”;
 - (c) for “a protected energy company”, in each place where it occurs, substitute “a relevant licensee nuclear company”.
- (3) In the application of sections 156 to 167—
 - (a) in section 156(4), omit paragraph (b) (and the “or” before it);
 - (b) in section 157 omit—
 - (i) subsection (7), and
 - (ii) paragraph (b) of subsection (8) (and the “or” before it);
 - (c) in section 164, omit subsection (2).
- (4) In the application of Schedule 20—
 - (a) omit paragraph 1(2);

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- (b) in paragraph 32(1)(d), for the words from ““energy administration application”” to “Energy Act 2004” substitute ““relevant licensee nuclear company administration application” means an application to the court for a relevant licensee nuclear company administration order under Chapter 3 of Part 3 of the Energy Act 2004, as applied by section 33 of the Nuclear Energy (Financing) Act 2022”;
 - (c) in paragraph 32(1)(e), for “section 155 of the Energy Act 2004” substitute “section 32 of the Nuclear Energy (Financing) Act 2022”;
 - (d) omit Part 3;
 - (e) omit paragraph 42(1);
 - (f) in paragraph 43, after “the Energy Act 2004” insert “and section 33 of the Nuclear Energy (Financing) Act 2022”;
 - (g) in paragraph 44(5), after “the Energy Act 2004” insert “and section 33 of the Nuclear Energy (Financing) Act 2022”;
 - (h) in paragraph 45, after “section 157(1)(e) of this Act” insert “as applied by section 33 of the Nuclear Energy (Financing) Act 2022”;
 - (i) omit paragraph 46 (but see section 38 of this Act);
 - (j) in paragraph 47, after “Part 1 of this Schedule” insert “and section 33 of the Nuclear Energy (Financing) Act 2022”.
- (5) In the application of Schedule 21—
- (a) for “old energy company”, in each place where it occurs, substitute “old relevant licensee nuclear company”;
 - (b) for “new energy company”, in each place where it occurs, substitute “new relevant licensee nuclear company”;
 - (c) in paragraph 1(b), for “section 155(3)” substitute “section 32(3) of the Nuclear Energy (Financing) Act 2022”;
 - (d) in paragraphs 3(8) and 9(6), for “GEMA” substitute “—
 - (a) GEMA,
 - (b) the Office for Nuclear Regulation,
 - (c) where any part of the relevant site is in England, the Environment Agency,
 - (d) where any part of the relevant site is in Wales, the Welsh Ministers and Natural Resources Wales,
 - (e) where any part of the relevant site is in Scotland, the Scottish Ministers and the Scottish Environment Protection Agency, and
 - (f) such other persons as the Secretary of State considers appropriate,

and in this sub-paragraph, the “relevant site” is the site of the nuclear installation (within the meaning of the Nuclear Installations Act 1965) in respect of which the old relevant licensee nuclear company holds a relevant licence.”
 - (e) omit paragraph 10;
 - (f) in paragraph 12, for “section 155” substitute “section 32 of the Nuclear Energy (Financing) Act 2022”.

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- (6) Sections 171 and 196 of the Energy Act 2004 (interpretation) apply for the purposes of the application by subsection (1) of the provisions mentioned in that subsection, but with the modifications set out in subsection (7).
- (7) In the application of section 171(1)—
- (a) in the definition of “company”, omit paragraph (b) (and the “or” before it);
 - (b) omit the definition of “non-GB company”;
 - (c) insert, at the appropriate places, the following definitions—
 - ““objective of the relevant licensee nuclear company administration” is to be construed in accordance with section 32 of the Nuclear Energy (Financing) Act 2022;”;
 - ““relevant licensee nuclear company” has the meaning given by section 31(4) of the Nuclear Energy (Financing) Act 2022;”;
 - ““relevant licensee nuclear company administration order” has the meaning given by section 31(1) of the Nuclear Energy (Financing) Act 2022;”;
 - ““relevant licensee nuclear company administration rules” means the rules made under section 411 of the 1986 Act by virtue of section 159(3) of this Act, for the purpose of giving effect to this Chapter as applied by section 33 of the Nuclear Energy (Financing) Act 2022;”;
 - (d) for the definition of “energy administrator” substitute—
 - ““nuclear administrator” has the meaning given by section 39 of the Nuclear Energy (Financing) Act 2022;”;
 - (e) for the definition of “relevant licence” substitute—
 - ““relevant licence” has the meaning given by section 31(4) of the Nuclear Energy (Financing) Act 2022.”;
 - (f) omit the definition of “unregistered company”.

Commencement Information

- I1** S. 33 in force at Royal Assent for specified purposes, see [s. 44\(1\)\(c\)](#)
- I2** S. 33 in force at 1.6.2022 in so far as not already in force, see [s. 44\(2\)\(c\)](#)

34 Conduct of administration, transfer schemes, etc

In section 159(3) of the Energy Act 2004 (conduct of administration, transfer schemes, etc under Chapter 3 of Part 3 of that Act), for “or section 4 of the Smart Meters Act 2018” substitute “, section 4 of the Smart Meters Act 2018 or section 33 of the Nuclear Energy (Financing) Act 2022”.

Commencement Information

- I3** S. 34 in force at Royal Assent for specified purposes, see [s. 44\(1\)\(c\)](#)
- I4** S. 34 in force at 1.6.2022 in so far as not already in force, see [s. 44\(2\)\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Nuclear Energy (Financing) Act 2022,
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