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STATUTORY INSTRUMENTS

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**2024 No. 219**

**The Nuclear Decommissioning Authority  
(Pension Scheme Amendment) Regulations 2024**

**Amendments to the Energy Act 2004**

5.—(1) Schedule 8 to the Energy Act 2004<sup>(1)</sup> is amended as follows.

(2) After paragraph 9 insert—

*“Persons entitled to reformed protection under paragraphs 10 and 11*

**9A.**—(1) For the purposes of this Part of the Schedule, a person is entitled to reformed protection in relation to a nuclear transfer scheme or any transfer arrangements if the person is entitled to pension protection in relation to the scheme or arrangements, and—

(a) either—

- (i) paragraph 9(7) applies to the person by reference to a relevant Section of the CNPP, or
- (ii) that is not the case but the person has been a participant in a relevant Section of the CNPP,

and the benefits which the person is accruing or would accrue or has accrued under that Section are, or include, reformed benefits, or

(b) either—

- (i) paragraph 9(7) applies to the person by reference to the SLC Section of the ME Group of the ESPS, or
- (ii) that is not the case but the person has been a participant in that Section, and the benefits which the person is accruing or would accrue or has accrued under that Section are, or include, reformed benefits.

(2) In this paragraph—

- (a) “the CNPP” means the Combined Nuclear Pension Plan constituted by the deed made on 28 March 2012 by the NDA and the deeds supplemental to that deed;
- (b) “the ESPS” means the Electricity Supply Pension Scheme established by a resolution of the Electricity Council passed on 20 January 1983, as amended from time to time;
- (c) “the ME Group” means the Magnox Electric Group of the ESPS, being one of the groups into which the ESPS is divided under the provisions of the ESPS;
- (d) “reformed benefits” means defined benefits under a structure that, as a result of amendments made in pursuance of regulations under section 311 of the Energy Act 2023<sup>(2)</sup>, is a career average revalued earnings structure;

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(1) Schedule 8 was amended by [S.I. 2009/1941](#).

(2) [2023 c. 52](#).

- (e) “relevant Section of the CNPP” means any of the following Sections into which the CNPP is divided (under clause 7 of the deed made on 28 March 2012 as it stood on 1 May 2022)—
- (i) Closed;
  - (ii) DSRL;
  - (iii) GPS DRS;
  - (iv) GPS SLC;
  - (v) LLWR;
  - (vi) Magnox;
  - (vii) Nirex;
  - (viii) Sellafield;
- (f) “the SLC Section of the ME Group of the ESPS” means the SLC Section of the ME Group, being one of the Sections into which the ME Group is divided under the provisions of the ESPS.
- (3) Where—
- (a) at any time after 1 May 2022, any of the Sections named in sub-paragraph (2)(e) (i) to (viii) is re-named, or has merged with another of those Sections (including by a transfer of the Section and another of those Sections to a new Section), a reference in sub-paragraph (2)(e) to that Section is to be read as, or as including, a reference to the re-named or merged Section;
  - (b) at any time after the day on which the Nuclear Decommissioning Authority (Pension Scheme Amendment) Regulations 2024 come into force, the SLC Section of the ME Group of the ESPS is re-named, or has merged with another Section (including by transfer of that Section to a new Section), then a reference to that Section is to be read as, or as including, a reference to the re-named or merged Section.”.
- (3) In paragraph 10 (protection on transfer in accordance with a nuclear transfer scheme)—
- (a) in sub-paragraph (6)—
    - (i) before paragraph (a) insert—
      - “(za) in the case of a person entitled to reformed protection in relation to the nuclear transfer scheme who falls within paragraph 9A(1)(a), the Section mentioned in paragraph 9A(1)(a);
      - (zb) in the case of a person entitled to reformed protection in relation to the nuclear transfer scheme who falls within paragraph 9A(1)(b), the Section mentioned in paragraph 9A(1)(b);”;
    - (ii) in paragraph (a), after “of a person” insert “who is not entitled to reformed protection in relation to the nuclear transfer scheme and”;
  - (b) in sub-paragraph (7), before paragraph (a) insert—
    - “(za) in a case falling within sub-paragraph (6)(za), the relevant time in relation to the person on the first occasion on which the person was owed a duty under either sub-paragraph (2) or paragraph 11(3) after the making of amendments to the Section mentioned in paragraph 9A(1)(a) in pursuance of regulations under section 311 of the Energy Act 2023;
    - (zb) in a case falling within sub-paragraph (6)(zb), the relevant time in relation to the person on the first occasion on which the person was owed a duty under either sub-paragraph (2) or paragraph 11(3) after the making of amendments to the Section

mentioned in paragraph 9A(1)(b) in pursuance of regulations under section 311 of the Energy Act 2023;”.

- (4) In paragraph 11 (protection on a transfer in accordance with transfer arrangements)—
- (a) in sub-paragraph (7)—
- (i) before paragraph (a) insert—
- “(za) in the case of a person entitled to reformed protection in relation to the transfer arrangements who falls within paragraph 9A(1)(a), the Section mentioned in paragraph 9A(1)(a);
- (zb) in the case of a person entitled to reformed protection in relation to the transfer arrangements who falls within paragraph 9A(1)(b), the Section mentioned in paragraph 9A(1)(b);”;
- (ii) in paragraph (a), after “of a person” insert “who is not entitled to reformed protection in relation to the transfer arrangements and”;
- (b) in sub-paragraph (8), before paragraph (a) insert—
- “(za) in a case falling within sub-paragraph (7)(za), the relevant time in relation to the person on the first occasion on which the person was owed a duty under either sub-paragraph (3) or paragraph 10(2) after the making of amendments to the Section mentioned in paragraph 9A(1)(a) in pursuance of regulations under section 311 of the Energy Act 2023;
- (zb) in a case falling within sub-paragraph (7)(zb), the relevant time in relation to the person on the first occasion on which the person was owed a duty under either sub-paragraph (3) or paragraph 10(2) after the making of amendments to the Section mentioned in paragraph 9A(1)(b) in pursuance of regulations under section 311 of the Energy Act 2023;”.