



Energy Act 2013

2013 CHAPTER 32

PART 6

CONSUMER PROTECTION AND MISCELLANEOUS

CHAPTER 2

MISCELLANEOUS

Fees

148 Fees for services provided for energy resilience purposes

- (1) The Secretary of State may require fees to be paid for services or facilities provided or made available by the Secretary of State in the exercise of energy resilience powers.
- (2) “Energy resilience powers” are any powers exercised by the Secretary of State for the purposes of, or in connection with, preventing or minimising disruption to the energy sector in Great Britain (including disruption to the supply of fuel in Great Britain).
- (3) The amount of any fee charged under this section is—
 - (a) such amount as may be specified in, or determined by or in accordance with, regulations made by the Secretary of State, or
 - (b) if no such regulations are made, an amount specified in, or determined by or in accordance with, a direction given by the Secretary of State for the purposes of this section.
- (4) Regulations or a direction under this section may provide for the amounts of fees to be different in different cases and, in particular, for fees in respect of the exercise of the same power to be of different amounts in different circumstances.
- (5) Regulations under subsection (3)(a) must be made by statutory instrument and any such instrument is subject to annulment in pursuance of a resolution of either House of Parliament.

Status: This is the original version (as it was originally enacted).

- (6) The Secretary of State must lay before Parliament a statement of any fees specified in, or determined by or in accordance with, a direction given under subsection (3)(b).

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, 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 (3I), at a time determined in accordance with such regulations.
- (3I) 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.”