



# Energy Act 1983

## 1983 CHAPTER 25

### PART I

#### ELECTRICITY

##### *Private generation and supply*

#### **1 Removal of restrictions on supply etc.**

Section 23 of the Electric Lighting Act 1909 (which prohibits persons other than Electricity Boards from commencing to supply or distribute electricity) and section 11 of the Electricity (Supply) Act 1919 (which restricts the establishment and extension of generating stations) shall cease to have effect.

#### **2 Notice of construction or extension of generating stations**

(1) Subject to subsection (5) below, any person other than an Electricity Board or a local authority who proposes—

- (a) to construct or extend an electricity generating station having plant with a rating exceeding 10 megawatts, or
- (b) to extend an existing electricity generating station in such a way that it will have plant with such a rating,

shall give written notice of his proposal to the Area Board for the area in which the station is or will be or, if it is or will be within the district of a Scottish Board, to that Board.

(2) The Secretary of State may make regulations as to the time when a notice under this section is to be given and the particulars which it is to contain.

(3) A person who is required to give a notice under this section shall be guilty of an offence if the work of construction or extension begins without the required notice having been given.

(4) A person guilty of an offence under this section shall be liable—

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- (a) on conviction on indictment, to a fine, or
  - (b) on summary conviction, to a fine not exceeding the statutory maximum.
- (5) This section shall not apply in a case in which section 35 of the Electricity (Scotland) Act 1979 applies.
- (6) References in this section to extending a generating station are references to increasing the rating of its plant.

### **3 Nuclear-powered generating stations**

- (1) Subject to subsection (5) below, no person shall construct, extend or become the operator of a nuclear-powered generating station without the consent of the Secretary of State.
- (2) A consent given for the purposes of this section may be subject to such conditions as the Secretary of State thinks fit.
- (3) A person who contravenes subsection (1) above, or any condition of a consent given for the purposes of this section, shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to a fine, or
  - (b) on summary conviction, to a fine not exceeding the statutory maximum.
- (5) This section shall not apply to the construction, extension or operation of a generating station by an Electricity Board.
- (6) In this section " nuclear-powered generating station " means an electricity generating station the operation of which requires a licence under section 1 of the Nuclear Installations Act 1965 ; and references to extending a generating station are references to increasing the rating of its plant.

### **4 Hydro-electric generating stations in Scotland**

- (1) In section 35(1) of the Electricity (Scotland) Act 1979 (which relates to the control of private hydro-electric generating stations)—
- (a) for the word " establish " there shall be substituted the words " construct or extend " ;
  - (b) the word " new " shall cease to have effect;
  - (c) the word " private ", in both places where it occurs, shall cease to have effect; and
  - (d) for the words " 50 kilowatts ", in both places where they occur, there shall be substituted the words " 1 megawatt " .
- (2) Section 35(2) of that Act shall cease to have effect.

### **5 Private generators and Electricity Boards**

- (1) In this section " private generator or supplier " means a person other than an Electricity Board or local authority who—
- (a) generates electricity, or

- (b) supplies electricity generated otherwise than by an Electricity Board or local authority.
- (2) Where a private generator or supplier requests an Electricity Board—
- (a) to give and continue to give a supply of electricity to premises where he generates electricity or from which he supplies electricity to others, or
  - (b) to purchase electricity generated by him, or
  - (c) to permit him to use the Board's transmission and distribution system for the purpose of giving a supply of electricity to any premises,
- the Board shall offer to comply with the request unless on technical grounds it would not be reasonably practicable to do so.
- (3) Subject to sections 6 to 8 below, an offer under this section may include such reasonable terms and may be made subject to such reasonable conditions as the Board may determine, including—
- (a) terms requiring security to be given for the payment of any sums that may become payable to the Board, and
  - (b) the condition that any necessary planning or other consents are obtained (including, in the case of an offer by the Central Electricity Generating Board, the consent of the Secretary of State under section 2(6) of the Electricity Act 1957).
- (4) Every offer under this section shall include such reasonable terms and conditions as the Board may consider necessary to secure that the control by Electricity Boards of the operation of the electricity supply system is not impaired.
- (5) If, before a request under this section can be complied with, it is necessary for any electric lines or other electrical plant to be provided, or for any other works to be carried out, the terms of an offer under this section—
- (a) shall include an undertaking by the Board to provide the lines or other plant or carry out the works, and
  - (b) may require the person making the request to make payments to the Board in respect of any expenditure incurred by the Board in carrying out the undertaking.
- (6) A request under this section shall contain such particulars, and shall be in such form, as may be prescribed by regulations made by the Secretary of State ; and such regulations may make provision for the payment to the Board by the person making the request of fees to meet the Board's administrative expenses in dealing with the request.

## **6 Charges for supplies by Electricity Boards**

- (1) Subject to subsection (2) below, the price to be paid for electricity supplied by an Electricity Board in compliance with requests under section 5 above shall be in accordance with tariffs fixed under section 37 of the Electricity Act 1947 or section 22 of the Electricity (Scotland) Act 1979.
- (2) Where, owing to special circumstances, the tariffs fixed under section 37 of the Electricity Act 1947 or section 22 of the Electricity (Scotland) Act 1979 are not appropriate to a supply requested under section 5 above, the terms of the Board's offer under section 5 shall specify the price proposed by the Board and any arrangements proposed for its revision.

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## **7 Charges for purchases by Electricity Boards**

- (1) Each Electricity Board other than the Central Electricity Generating Board shall as soon as practicable after the commencement of this section fix tariffs of prices that will be paid by the Board for electricity purchased by it in compliance with requests under section 5 above.
- (2) In the case of any purchase in respect of which—
  - (a) there is no tariff in force under this section which is applicable, or
  - (b) the tariff applicable is not appropriate owing to special circumstances, the terms of the offer made by the Board under section 5 above shall specify the price proposed by the Board and any arrangements proposed for its revision.
- (3) The principles on which tariffs are fixed and prices proposed by an Electricity Board in accordance with this section shall include the principle that a purchase by the Board in compliance with a request under section 5 above should be on terms which—
  - (a) will not increase the prices payable by customers of the Board for electricity supplied to them by the Board, and
  - (b) will reflect the costs that would have been incurred by the Board but for the purchase.
- (4) The terms of an offer to purchase electricity in compliance with a request under section 5 above may include a requirement that the vendor shall make to the Board from time to time such reasonable payments as the Board may determine in respect of the costs of maintenance, operation and depreciation of the assets employed, and of the administrative expenses incurred, by the Board in complying with the request.
- (5) The amount of the payments to be made to the Board in accordance with subsection (4) above may include an amount designed to give the Board a return on the assets there referred to (taking into account any payment of the kind referred to in section 5(5) above) which is not greater than any return the Board expects to receive on comparable assets.

## **8 Charges for use of transmission and distribution systems**

- (1) Each Electricity Board shall as soon as practicable after the commencement of this section prepare tariffs of charges that will be made by the Board to persons permitted to use the Board's transmission and distribution system in pursuance of requests under section 5 above.
- (2) In any case where—
  - (a) there is no tariff in force under this section which is applicable to the use requested, or
  - (b) the tariff applicable is not appropriate owing to special circumstances,the terms of the offer made by the Board under section 5 above shall specify the charge proposed by the Board and any arrangements proposed for its revision.
- (3) The principles on which tariffs are fixed and charges proposed by an Electricity Board in accordance with this section shall include the principle that charges should be no more than sufficient to provide a return on the relevant assets (taking into account any payments of the kind referred to in section 5(5) above) comparable to any return that the Board expects to receive on comparable assets; and for this purpose " relevant assets " means the assets employed by the Board in complying with requests for permission to use the Board's transmission and distribution system.

## **9 Disputes as to offers under section 5 etc.**

- (1) Any dispute as to—
  - (a) whether it would be reasonably practicable for an Electricity Board to comply with a request made to it under section 5 above, or
  - (b) whether a tariff which is applicable in the case of any supply, purchase or use requested under section 5 above is appropriate to that case, or
  - (c) the price or charge proposed by an Electricity Board in a case in which no tariff is applicable and appropriate, or
  - (d) the reasonableness of any other term or condition of an offer made by the Board under section 5 above, or
  - (e) the reasonableness of any payment demanded by an Electricity Board in accordance with section 7(4) above,may be referred to the Secretary of State for determination by him or, if he thinks fit, by an arbitrator (or in Scotland an arbiter) appointed by him.
- (2) The Secretary of State may make regulations as to the conduct of proceedings for the determination of disputes under this section; and the Arbitration Act 1950 and the Arbitration Act 1979 shall, in their application to disputes determined by an arbitrator appointed under this section, have effect subject to the provisions of such regulations.
- (3) Regulations under this section relating to the determination of disputes by the Secretary of State may include provision—
  - (a) enabling the Secretary of State to require a party to the dispute to pay a sum determined by the Secretary of State towards any administrative expenses incurred by him in connection with the determination of the dispute, and
  - (b) as to awards of costs or expenses as between the parties to the dispute.
- (4) Any sums paid to the Secretary of State by virtue of this section shall be paid into the Consolidated Fund.
- (5) Subsections (6) to (8) below shall have effect in relation to Scotland, but subject to the provisions of regulations made by the Secretary of State under this section.
- (6) Any arbiter appointed by the Secretary of State shall have the like powers for securing the attendance of witnesses and the production of documents and with regard to the examination of witnesses on oath and the awarding of expenses as if the arbitration were on a submission.
- (7) The arbiter may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings.
- (8) Any award of the Secretary of State or of an arbiter under this section may be recorded in the Books of Council and Session for execution and may be enforced accordingly.

## **10 Further provisions as to charges under sections 7 and 8**

- (1) The tariffs fixed under section 7 or 8 above shall be so framed as to show the methods by which and the principles on which the charges are to be made as well as their amount, and shall be published in such manner as in the opinion of the Electricity Board concerned will secure adequate publicity.
- (2) Tariffs fixed under section 7 or 8 above by an Electricity Board other than a Scottish Board shall be fixed after consultation with the Electricity Council, which shall consult

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the Secretary of State as to the methods by which and the principles on which charges are to be made.

- (3) Tariffs fixed under section 7 or 8 above by a Scottish Board shall be fixed after consultation with the Secretary of State as to the methods by which and the principles on which charges are to be made.
- (4) The tariffs required by sections 7 and 8 above may be altered or replaced from time to time, and need not be exhaustive.
- (5) Before proposing a price in accordance with section 7(2) above or a charge in accordance with section 8(2) above an Electricity Board other than a Scottish Board shall consult the Electricity Council.
- (6) An Electricity Board, in fixing tariffs and proposing prices or charges in accordance with section 7 or 8 above, shall not show undue preference to any person or class of persons and shall not exercise any undue discrimination against any person or class of persons.

## **11 Arrangements between Electricity Boards**

- (1) Where a request is made to an Electricity Board under section 5 above and that Board (" the first Board ") considers that the request could more appropriately be met by another Electricity Board (" the second Board "), the first Board may propose to the second Board that the second Board meet the request.
- (2) If the second Board does not agree to a proposal under subsection (1) above, the first Board may refer the dispute to the Secretary of State for determination by him.
- (3) If—
  - (a) the second Board agrees to a proposal under subsection (1) above; or
  - (b) the Secretary of State, on a reference under subsection (2) above, determines that the request is to be met by the second Board,the request shall be treated as if it had been made to the second Board.

## **12 Meters to be of approved pattern**

- (1) Subject to subsection (5) below, no person shall use a meter for measuring the amount of electrical energy supplied by him to another person, or the electrical quantity contained in the supply, unless it is of an approved pattern.
- (2) A meter is of an approved pattern for the purposes of this section if it is of a pattern for the time being approved by the Secretary of State or by a person who, for the purpose of implementing any Community obligation, is responsible for giving pattern approval in a member State other than the United Kingdom.
- (3) A person who uses a meter in contravention of this section shall be guilty of an offence unless he believes, on reasonable grounds, that the meter is of an approved pattern.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) This section shall not apply—
  - (a) in relation to a supply by an Electricity Board, or

- (b) in relation to a meter installed before (and not moved since) the commencement of this section.

### **13 Duty of Boards to supply**

In section 27 of the Schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with the Electricity Act 1947 (duty to supply premises within fifty yards of a distributing main) after subsection (1) there shall be inserted—

“(1A) Subsection (1) of this section shall not apply in relation to premises to which a supply of energy is already given, directly from electric lines belonging to the Undertakers, by a private supplier.”.

### **14 Inspection and testing of lines etc.**

- (1) In section 24 of the Electric Lighting Act 1882 (which empowers Electricity Boards to enter premises to which electricity is supplied by them) for the words " by the undertakers " in the second place where they occur there shall be substituted the words " (whether by the undertakers or by any other person) directly through electric lines belonging to the undertakers " .
- (2) In section 36(1)(a) of the Schedule to the Electric Lighting (Clauses) Act 1899 (which provides for inspectors appointed; under that Schedule to inspect and test the lines and works of Electricity Boards and the supply of energy given by them), for the words " Undertakers' electric lines and works " there shall be substituted the words " electric lines and works of persons who supply energy " .
- (3) Sections 39 and 42 to 48 of that Schedule (which make further provision as to testing and inspection, including provision giving inspectors the right of access to the premises of suppliers for the purpose of testing electric lines and instruments and provision penalising suppliers who fail to comply with the Schedule's requirements) shall apply in relation to suppliers of electricity other than Electricity Boards as they apply in relation to Area Boards and Scottish Boards.
- (4) References in this section to the Schedule to the Electric Lighting (Clauses) Act 1899 are references to that Schedule as incorporated with the Electricity Act 1947.

#### *Miscellaneous and general*

### **15 Amendments relating to meters**

The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule.

### **16 Regulations relating to supply and safety**

- (1) The Secretary of State may make such regulations as he thinks fit for the purpose of—
  - (a) securing that supplies of electricity by Electricity Boards or other persons are regular and efficient; and
  - (b) eliminating or reducing the risks of personal injury, or damage to property or interference with its use, arising from the supply of electricity by an Electricity

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Board or any other person, from the use of electricity so supplied or from the installation, maintenance or use of any electrical plant.

- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may—
- (a) make provision for relieving an Electricity Board from any obligation to supply or purchase electricity, or to permit the use of the Board's transmission and distribution system, in cases where electrical plant or fittings or their use do not comply with the regulations ;
  - (b) prohibit the supply of electricity except by means of a system approved by the Secretary of State ;
  - (c) make provision requiring compliance with notices given by the Secretary of State specifying action to be taken in relation to any electrical plant or fittings for the purpose of—
    - (i) preventing or ending a breach of regulations under this section, or
    - (ii) eliminating or reducing a risk of personal injury or damage to property or interference with its use;
  - (d) make provision requiring notice to be given to the Secretary of State, in such cases as may be specified in the regulations, of accidents and of failures of supplies of electricity;
  - (e) make provision as to the keeping, by persons who supply electricity, of maps, plans and sections and as to their production (on payment, if so required, of a reasonable fee) for inspection or copying;
  - (f) provide for particular requirements of the regulations to be deemed to be complied with in the case of electrical plant or fittings complying with specified standards or requirements;
  - (g) provide for the granting of exemptions from any requirement of the regulations.
- (3) Regulations under this section may provide that any person who contravenes any specified provision of the regulations, or any person who does so in specified circumstances, shall be guilty of an offence under this section.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **17 Charges for availability of supply**

- (1) In section 37 of the Electricity Act 1947 (tariffs), after subsection (4) there shall be inserted—
- “(4A) Tariffs fixed under this section may include charges in respect of the availability of a supply of electricity, and such a charge may vary according to the extent to which the supply is taken up.
- (4B) Where the Electricity Council is consulted as to a tariff which includes a charge of the kind referred to in subsection (4A) of this section, the Council shall consult the Secretary of State as to the methods by which and the principles on which the charge is to be made.”;
- and section 23 of the Electricity (Supply) Act 1922 (annual payments for standby supplies) shall cease to have effect.



(2) In section 22 of the Electricity (Scotland) Act 1979 after subsection (3) there shall be inserted—

“(3A) Tariffs fixed under this section may include charges in respect of the availability of a supply of electricity, and such a charge may vary according to the extent to which the supply is taken up.

(3B) Before fixing under subsection (1) a tariff which includes a charge of the kind referred to in subsection (3A), a Board shall consult the Secretary of State as to the methods by which and the principles on which the charge is to be made.”.

## **18 Purchases by Electricity Boards from local authorities**

(1) This section applies to any purchase of electricity by an Electricity Board in accordance with arrangements made in pursuance of—

- (a) section 21(2) of the Control of Pollution Act 1974 (production of heat and electricity from waste etc.), or
- (b) section 11(2) of the Local Government (Miscellaneous Provisions) Act 1976 (production of heat etc. by local authorities).

(2) The price at which a purchase to which this section applies is made shall be the same as it would be by virtue of section 7 above if the purchase were made in compliance with a request under section 5 above; and subsections (4) and (5) of section 7 shall apply to a purchase to which this section applies as they apply to a purchase made in compliance with such a request.

(3) Section 9 above shall apply to a dispute as to—

- (a) the price at which a purchase to which this section applies is to be made, or
- (b) the reasonableness of any payment demanded by an Electricity Board in accordance with section 7(4) above as applied by this section,

as it applies to disputes within section 9(1)(a) to (e).

## **19 Combined heat and power**

(1) For subsections (1) and (2) of section 50 of the Electricity Act 1947 (use of heat from generating stations) there shall be substituted—

“(1) It shall be the duty of every Electricity Board to adopt and support schemes—

- (a) for the combined production of heat and electricity, and
- (b) for the use of heat produced in combination with electricity, or incidentally from its generation, for the heating of buildings or for other useful purposes.

(2) Nothing in subsection (1) of this section—

- (a) shall remove the need for an Area Board to obtain the approval of the Secretary of State under section 6 of the Electricity Act 1957 to proposals for the generation of electricity by the Board, or
- (b) shall require an Electricity Board to undertake expenditure in connection with a scheme which does not meet the financial criteria applied by the Board in relation to other expenditure of the Board.”.

(2) In subsection (3) of section 50 for the words " the last foregoing subsection" there shall be substituted the words " subsection (1) of this section " .

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- (3) For section 15 of the Electricity (Scotland) Act 1979 (research into heating from electricity) there shall be substituted—

**“15 Production and use of heat and electricity.**

- (1) It shall be the duty of each Board to adopt and support schemes—
- (a) for the combined production of heat and electricity, and
  - (b) for the use of heat produced in combination with electricity, or incidentally from its generation, for the heating of buildings or for other useful purposes.
- (2) For the purposes of a scheme under subsection (1), a Board may, in accordance with a scheme submitted by them to the Secretary of State and approved by order made with or without modification by him, exercise the powers conferred by section 13(8) for the purposes of that section, and section 13(9) shall apply in relation to the manner in which the powers are exercisable.
- (3) Nothing in subsection (1) shall require a Board to undertake expenditure in connection with a scheme which does not meet the financial criteria applied by the Board in relation to other expenditure of the Board.”.

**20 Abolition of rights of entry**

In the Schedule to the Electric Lighting (Clauses) Act 1899 (as incorporated with the Electricity Act 1947 or any other enactment), the following provisions (which give rights to enter premises for purposes connected with the supply and maintenance of meters) shall cease to have effect—

- (a) in section 52 the words from " and for those purposes " to " acts ", and
- (b) section 54(2).

**21 The Electricity Consumers' Council**

- (1) There shall be a consumers' council for England and Wales (in this section referred to as " the Council") to be known as the Electricity Consumers' Council.
- (2) The Council shall consist of a chairman appointed by the Secretary of State, and not more than thirty other members made up of—
- (a) the chairmen for the time being of the Consultative Councils established under section 7 of the Electricity Act 1947 for the areas of Area Boards, and
  - (b) such other persons as the Secretary of State may appoint.
- (3) It shall be the duty of the Council to consider any matter affecting the interests of consumers generally of electricity supplied by Electricity Boards in England and Wales, or of any class of such consumers, being a matter which—
- (a) is referred to the Council by the Secretary of State or the Electricity Council, or
  - (b) is the subject of a report or representations made to the Council by one of the Consultative Councils mentioned in subsection (2) above, or
  - (c) appears to the Council to be a matter to which consideration ought to be given apart from any such reference, report or representations.
- (4) The Council shall report to the Secretary of State or, as the case may be, the Electricity Council on any matter considered by them by virtue of subsection (3)(a) above,

and where it appears to them that action ought to be taken concerning any other matter considered by them under subsection (3) they shall make representations to the Electricity Council on that matter.

- (5) The Council may, after consulting the Electricity Council, make representations to the Secretary of State on any matter considered by them under this section otherwise than on a reference by the Secretary of State.
- (6) The Council shall consider any plans, arrangements or proposals of which they are informed under section 22 below and may make representations on them to the Electricity Council.
- (7) The Council may refer to any of the Consultative Councils mentioned in subsection (2) above any matter which affects the interests of consumers of electricity in the area for which the Consultative Council is established or the interests of any class of those consumers.
- (8) The Secretary of State may, after consultation with the Board concerned and with the Electricity Council, give such directions as he thinks fit to an Electricity Board in England or Wales with respect to matters arising out of representations made to him by the Council under this section, and shall send to the Council a copy of any such directions; and section 40(2) of the Electricity Act 1957 shall apply in relation to such directions as it applies in relation to directions under that Act.
- (9) The Council shall make to the Secretary of State, as soon as possible after the end of each financial year of the Electricity Council, a report on the performance by the Council of their functions during that year; and the Secretary of State shall lay a copy of the report before each House of Parliament.
- (10) In this section references to consumers of electricity include references to prospective consumers.
- (11) Schedule 2 to this Act shall have effect with respect to the Council.

## **22 Functions of other bodies in relation to Electricity Consumers' Council**

- (1) It shall be the duty of the Electricity Council to inform the Electricity Consumers' Council of the general plans and arrangements of the Electricity Council and of the Central Electricity Generating Board for performing their functions in relation to the supply of electricity, and in particular of any proposal of the Central Electricity Generating Board to vary a tariff.
- (2) The Electricity Council may refer any matter to the Electricity Consumers' Council and shall consider any representations or report made to them by the Electricity Consumers' Council.
- (3) In section 7 of the Electricity Act 1947 (which establishes Consultative Councils for the area of every Area Board) after subsection (4) there shall be inserted—
  - “(4A) Each of the said Councils—
    - (a) may make representations to the Electricity Consumers' Council on any matter which has been considered by them under subsection (4) of this section and affects the interests of consumers or prospective consumers of electricity in the area or of any class of those consumers, and

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- (b) shall consider and report to the Electricity Consumers' Council on any matter which may be referred to them by that Council.”.

### **23 Offences**

- (1) Proceedings for an offence under this Part of this Act shall not, in England and Wales, be instituted except by or with the consent of the Secretary of State or the Director of Public Prosecutions.
- (2) Where an offence committed by a body corporate under this Part of this Act is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (3) Where the affairs of a body corporate are managed by its members, subsection (2) above shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

### **24 Regulations: general**

Any power to make regulations conferred on the Secretary of State by this Part of this Act—

- (a) shall include power to make different provision for different areas or in relation to different cases or circumstances ; and
- (b) shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **25 Amendments**

The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments specified in that Schedule (being minor amendments and amendments consequential on the preceding provisions of this Part of this Act).

### **26 Interpretation of Part I**

In this Part of this Act—

- " Area Board " has the same meaning as in the Electricity Act 1947;
- " electrical fittings " and " electrical plant " have the same meanings as in the Electricity Act 1947 ;
- " electric line " has the same meaning as in the Electric Lighting Act 1882;
- " Electricity Board " means an Area Board, a Scottish Board or the Central Electricity Generating Board;
- " local authority " means any of the following—
- (a) a county or district council in England or Wales, the Greater London Council, a London borough council, the Common Council of the City of London, and the Council of the Isles of Scilly ;
- (b) a regional, islands or district council in Scotland ;
- " Scottish Board " means the North of Scotland Hydro-Electric Board or the South of Scotland Electricity Board;

" standard scale " has the meaning given by section 75 of the Criminal Justice Act 1982 ;

" statutory maximum " has the meaning given by section 74 of the Criminal Justice Act 1982.

## PART II

### NUCLEAR INSTALLATIONS

#### 27 Limitation of operators' liability

(1) In section 16 of the Nuclear Installations Act 1965 (below called " the 1965 Act"), in subsection (1) (limitation of operator's liability in respect of any occurrence to £5 million) for the words " five million pounds " there shall be substituted the words "£20 million or, in the case of the licensees of such sites as may be prescribed, £5 million " .

(2) After subsection (1) of that section there shall be inserted—

“(1A) The Secretary of State may with the approval of the Treasury by order increase or further increase either or both of the amounts specified in subsection (1) of this section; but an order under this subsection shall not affect liability in respect of any occurrence before (or beginning before) the order comes into force.”.

(3) In subsection (5) of section 13 of that Act (claim by a person who has himself paid compensation) for the words from " not exceeding the " to "pounds " there shall be substituted the words " (subject to subsection (5A) of this section) " ; and after subsection (5) there shall be inserted—

“(5A) The amount that a person may claim by virtue of subsection (5) of this section shall not exceed the amount of the payment made by him and, in the case of a claim made by virtue of paragraph (b) of that subsection, shall not exceed the amount applicable under section 16(1) or (2) of this Act to the person subject to the duty in question.”.

(4) In subsection (1) of section 19 of that Act (special cover for licensee's liability), for the words " an aggregate amount of five million pounds " there shall be substituted the words " the required amount " ; and after that subsection there shall be inserted—

“(1A) In this section " the required amount", in relation to the provision to be made by a licensee in respect of a cover period, means an aggregate amount equal to the amount applicable under section 16(1) of this Act to the licensee, as licensee of the site in question, in respect of an occurrence within that period.”.

(5) In subsection (2) of section 19 of that Act, after the word " means " there shall be inserted the words " subject to subsection (2A) of this section " ; and after subsection (2) there shall be inserted—

“(2A) When the amount applicable under section 16(1) of this Act to a licensee of a site changes as a result of—

- (a) the coming into force of an order under section 16(1A) or of regulations made for the purposes of section 16(1), or
- (b) an alteration relating to the site which brings it within, or takes it outside, the description prescribed by such regulations,

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the current cover period relating to him as licensee of that site shall end and a new cover period shall begin.”.

- (6) In section 20(1) of that Act (duty to notify Secretary of State when claims reach £3 million), for the words " three million pounds " there shall be substituted the words " three-fifths of the required amount within the meaning of section 19 " .
- (7) In section 26(1) of that Act, in the definition of " occurrence ", after " 16(1) " there shall be inserted " and (1A) " .
- (8) Subsection (1) above shall not affect liability in respect of any occurrence before (or beginning before) the commencement of this section; and where the amount applicable under section 16(1) of the 1965 Act to the licensee of a site is increased by virtue of subsection (1) above, then for the purposes of section 19 of that Act the cover period relating to him as licensee of that site and current at the commencement of this section shall end and a new cover period shall begin.

## **28 General cover for compensation**

- (1) In subsection (1) of section 18 of the 1965 Act (general cover for compensation)—
  - (a) for the words " and (3)" there shall be substituted the words " to (4B) " , and
  - (b) for the words from " an aggregate " to the end there shall be substituted the words " the aggregate amount specified in subsection (1A) of this section " .
- (2) After subsection (1) of that section there shall be inserted—
  - “(1A) The aggregate amount referred to in subsection (1) of this section is the equivalent in sterling of 300 million special drawing rights on—
    - (a) the day (or first day) of the occurrence in question, or
    - (b) if the Secretary of State certifies that another day has been fixed in relation to the occurrence in accordance with an international agreement, that other day.
  - (1B) The Secretary of State may with the approval of the Treasury by order increase or further increase the sum expressed in special drawing rights in subsection (1A) of this section; but an order under this subsection shall not have effect in respect of an occurrence before (or beginning before) the order comes into force.”.
- (3) For subsection (4) of that section there shall be substituted—
  - “(4) In relation to liability by virtue of any relevant foreign law, there shall be left out of account for the purposes of subsection (1) of this section any claim which, though made within the relevant period, was made after the expiration of any period of limitation imposed by that law and permitted by a relevant international agreement.
  - (4A) Where—
    - (a) a relevant foreign law provides in pursuance of a relevant international agreement for sums additional to those referred to in subsection (1)(a) of this section to be made available out of public funds, but

- (b) the maximum aggregate amount of compensation for which it provides in respect of an occurrence in pursuance of that agreement is less than that specified in subsection (1A) of this section, then, in relation to liability by virtue of that law in respect of the occurrence, subsection (1) of this section shall have effect as if for the reference to the amount so specified there were substituted a reference to the maximum aggregate amount so provided.
- (4B) Where a relevant foreign law does not make the provision mentioned in subsection (4A) (a) of this section, then in relation to liability by virtue of that law in respect of any occurrence—
- (a) subsection (1) of this section shall not have effect unless the person (or one of the persons) liable is a licensee, the Authority or the Crown ; and
- (b) if a licensee, the Authority or the Crown is liable, subsection (1) shall have effect as if for the reference to the amount specified in subsection (1A) there were substituted a reference to the amount which would be applicable to that person under section 16(1) of this Act in respect of the occurrence (or, if more than one such person is liable, to the aggregate of the amounts which would be so applicable) if it had constituted a breach of duty under section 7, 8 or 9 of this Act.”.
- (4) In section 17(3)(b) of the 1965 Act (which restricts the cover required under section 18 in cases of shared liability)—
- (a) in sub-paragraph (i), for the words " of five million pounds " there shall be substituted the words " equal to that applicable to the person in question under section 16(1) of this Act " ; and
- (b) in sub-paragraph (ii), the words "not being less than £2,100,000 " shall cease to have effect.
- (5) This section shall not have effect in respect of any occurrence before (or beginning before) the commencement of this section.

## **29 Carriage of nuclear matter**

- (1) In subsection (1) of section 21 of the 1965 Act (compensation in respect of carriage), for the words " of £2,100,000" there shall be substituted the words "which is the equivalent in sterling (on the day, or first day, of that occurrence) of 5 million special drawing rights " .
- (2) After that subsection there shall be inserted—
- “(1A) The Secretary of State may with the approval of the Treasury by order increase or further increase the sum expressed in special drawing rights in subsection (1) of this section ; but an order under this subsection shall not have effect in respect of any occurrence before (or beginning before) the order comes into force.”.
- (3) After subsection (4) of that section there shall be inserted—
- “(4A) Subsection (3) of this section shall not apply where the carriage in question is wholly within the territorial limits of the United Kingdom.”.

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- (4) This section shall not have effect in respect of any occurrence before (or beginning before) the commencement of this section.

### **30 Provisions supplementary to sections 27 to 29**

After section 25 of the 1965 Act there shall be inserted—

#### **“25A Orders.**

The power to make orders under section 16(1A), 18(1B) or 21(1A) of this Act shall be exercisable by statutory instrument; but no such order shall be made unless a draft of it has been laid before and approved by resolution of the House of Commons.

#### **25B Special drawing rights.**

- (1) In this Act " special drawing rights " means special drawing rights as defined by the International Monetary Fund; and for the purpose of determining the equivalent in sterling on any day of a sum expressed in special drawing rights, one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right—
- (a) for that day, or
  - (b) if no sum has been so fixed for that day, for the last day before that day for which a sum has been so fixed.
- (2) A certificate given by or on behalf of the Treasury stating—
- (a) that a particular sum in sterling has been so fixed for a particular day, or
  - (b) that no sum has been so fixed for a particular day and that a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day,
- shall be conclusive evidence of those matters for the purposes of subsection (1) of this section ; and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.
- (3) The Treasury may charge a reasonable fee for any certificate given in pursuance of subsection (2) of this section and any fee received by the Treasury by virtue of this subsection shall be paid into the Consolidated Fund.”.

### **31 Reciprocal enforcement of judgments**

In subsection (5) of section 17 of the 1965 Act (foreign judgments), at the beginning there shall be inserted the words " Subject to subsection (5A) of this section " ; and after subsection (5) there shall be inserted—

- “(5A) Subsection (5) of this section shall not have effect where the judgment in question is enforceable in the United Kingdom in pursuance of an international agreement.”.



**32 Meaning of " excepted matter "**

In section 26(1) of the 1965 Act (interpretation), in paragraph (a) of the definition of " excepted matter ", for the words " or scientific " there shall be substituted the words " scientific or educational " .

**33 Extension to territories outside United Kingdom**

The provisions in respect of which the power conferred by section 28 of the 1965 Act is exercisable shall include the provisions of that Act as amended by this Act.

**34 United Kingdom Atomic Energy Authority**

Section 5(3) of the Atomic Energy Authority Act 1954 (which imposes a duty on the United Kingdom Atomic Energy Authority similar to that imposed by section 8 of the 1965 Act) shall cease to have effect.

**PART III**

GENERAL

**35 Financial provisions**

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses of the Secretary of State attributable to this Act, and
- (b) any increase attributable to this Act in the sums payable out of money so provided under the Nuclear Installations Act 1965.

**36 Repeals**

The enactments mentioned in Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

**37 Commencement**

- (1) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be so appointed for different purposes.
- (2) An order under subsection (1) above may make such transitional provision and savings as appear to the Secretary of State to be necessary or expedient.
- (3) If section 17(5) of the Nuclear Installations Act 1965 has not been brought into force under section 30(2) of that Act before the day appointed under subsection (1) above for the coming into force of section 31 of this Act, it shall come into force on that day.

**38 Short title and extent**

- (1) This Act may be cited as the Energy Act 1983.
- (2) The following provisions of this Act, namely—

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- (a) Part I (except paragraph 11 of Schedule 2), and
  - (b) Part I of Schedule 4,
- do not extend to Northern Ireland; but otherwise this Act does extend there.