



Energy Act 2004

CHAPTER 20

ENERGY ACT 2004

PART 1

THE CIVIL NUCLEAR INDUSTRY

CHAPTER 1

NUCLEAR DECOMMISSIONING

Establishment of NDA

- 1 The Nuclear Decommissioning Authority
- 2 Constitution of NDA

Principal function of NDA

- 3 Designated responsibilities
- 4 Additional responsibilities under designating directions
- 5 Supplemental provisions of designating directions
- 6 Designations relating to Scotland

Other functions of NDA

- 7 Supplemental functions
- 8 Special functions in relation to pensions etc.

General duties and powers of NDA

- 9 General duties when carrying out functions
- 10 Powers for carrying out functions

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Strategies, plans and reports

- 11 Strategy for carrying out functions
- 12 Contents of strategy
- 13 Annual plans
- 14 Annual reports

Implementation of strategies and plans

- 15 Duty to decommission and clean up installations and sites
- 16 Duties to operate installations and to provide treatment etc.
- 17 Duty to use installations etc. for purposes of NDA
- 18 Directions by NDA to the person with control
- 19 Designation as a related site for the purposes of s. 18
- 20 Duty to comply with directions under s. 18

Financial provisions

- 21 Financial responsibilities of NDA
- 22 Expenditure and receipts of NDA
- 23 Borrowing by the NDA
- 24 Limit on NDA borrowing
- 25 Government guarantees for NDA borrowing
- 26 Accounts of NDA
- 27 Tax exemption for NDA activities
- 28 Taxation of NDA activities chargeable under Case VI of Schedule D
- 29 Disregard for tax purposes of cancellation etc. of provisions
- 30 Disregard for tax purposes of provisions recognised by NDA

Nuclear Decommissioning Funding Account

- 31 Establishment and maintenance of the Account
- 32 Examination of the Account

Supplementary provisions of Chapter 1 of Part 1

- 33 Validity of transactions
- 34 Amendment of Schedule 12 to the 1989 Act
- 35 Power to modify Chapter 1 of Part 1
- 36 Meaning of “nuclear site” etc. and “person with control”
- 37 General interpretation of Chapter 1 of Part 1

CHAPTER 2

TRANSFERS RELATING TO NUCLEAR UNDERTAKINGS

Transfer by scheme of property etc.

- 38 Nuclear transfer schemes
- 39 Transfers of publicly owned assets
- 40 Transfers with the consent of the transferor
- 41 Recovery of property from private ownership
- 42 Transfer of Nuclear Liabilities Investment Portfolio

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Extinguishment of undertakings and tax losses

- 43 Undertakings given by the Secretary of State
- 44 Extinguishment of BNFL losses for tax purposes

Provisions relating to transfers

- 45 Further provision applying to transferee companies
- 46 Pensions
- 47 Taxation
- 48 Supplementary powers of the Secretary of State, the NDA and the UKAEA

Supplementary provisions of Chapter 2 of Part 1

- 49 Duty to assist the Secretary of State
- 50 Interpretation of Chapter 2 of Part 1

CHAPTER 3

CIVIL NUCLEAR CONSTABULARY

Civil Nuclear Police Authority

- 51 The Civil Nuclear Police Authority

Civil Nuclear Constabulary

- 52 The Civil Nuclear Constabulary
- 53 Chief constable and other senior officers
- 54 Functions of senior officers
- 55 Members of the Constabulary

Jurisdiction and powers of Constabulary

- 56 Jurisdiction of Constabulary
- 57 Stop and search under Terrorism Act 2000

Administration of Constabulary

- 58 Government, administration and conditions of service
- 59 Members of Constabulary serving with other forces
- 60 Charges

Supervision and inspection etc.

- 61 Planning and reports
- 62 Inspection
- 63 Supervision by Secretary of State

Rights etc. of members of the Constabulary

- 64 Civil Nuclear Police Federation
- 65 Rank-related associations
- 66 Representation at certain disciplinary proceedings
- 67 Trade union membership

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Supplementary provisions of Chapter 3 of Part 1

- 68 Application of offences etc. applying to constables
- 69 Minor amendments relating to the Constabulary
- 70 Nuclear transfer scheme for UKAEA Constabulary
- 71 Interpretation of Chapter 3 of Part 1

CHAPTER 4

AUTHORISATIONS RELATING TO RADIOACTIVE WASTE

- 72 Transfer of authorisations
- 73 Applications for variation of authorisations
- 74 Periodic reviews of authorisations
- 75 Consequential amendments of the 1993 Act

CHAPTER 5

MISCELLANEOUS PROVISIONS RELATING TO NUCLEAR INDUSTRY

- 76 Amendments for giving effect to international obligations
- 77 Regulation of equipment, software and information
- 78 Application of the 1965 Act to Northern Ireland
- 79 Expenditure on nuclear related matters
- 80 Additional functions of UKAEA

PART 2

SUSTAINABILITY AND RENEWABLE ENERGY SOURCES

CHAPTER 1

SUSTAINABLE ENERGY

- 81 Reports under section 1 of Sustainable Energy Act 2003
- 82 Microgeneration
- 83 Sustainable development

CHAPTER 2

OFFSHORE PRODUCTION OF ENERGY

Renewable Energy Zones

- 84 Exploitation of areas outside the territorial sea for energy production
- 85 Application of criminal law to renewable energy installations etc.
- 86 Prosecutions
- 87 Application of civil law to renewable energy installations etc.
- 88 Orders in Council under ss. 85 and 87

Application of 1989 Act offshore

- 89 Activities offshore requiring 1989 Act licences
- 90 Modification of licence conditions for offshore transmission and distribution

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

- 91 Extension of transmission licences offshore
- 92 Competitive tenders for offshore transmission licences
- 93 Consents for generating stations offshore
- 94 Application of regulations under 1989 Act offshore

Safety zones for installations

- 95 Safety zones around renewable energy installations
- 96 Prohibited activities in safety zones
- 97 Offences relating to safety zones
- 98 Supplementary provisions relating to offences under s. 97

Navigation and civil aviation

- 99 Navigation
- 100 Further provision relating to public rights of navigation
- 101 Application of civil aviation regulations to renewable energy installations

Supplementary provisions of Chapter 2 of Part 2

- 102 Amendments of 1989 Act consequential on Chapter 2 of Part 2
- 103 Other amendments consequential on Chapter 2 of Part 2
- 104 Interpretation of Chapter 2 of Part 2

CHAPTER 3

DECOMMISSIONING OF OFFSHORE INSTALLATIONS

Decommissioning programmes

- 105 Requirement to prepare decommissioning programmes
- 106 Approval of decommissioning programmes
- 107 Failure to submit or rejection of decommissioning programmes
- 108 Reviews and revisions of decommissioning programmes

Implementation of decommissioning programmes

- 109 Carrying out of decommissioning programmes
- 110 Default in carrying out decommissioning programmes

Decommissioning regulations

- 111 Regulations about decommissioning

Supplementary provisions of Chapter 3 of Part 2

- 112 Duty to inform Secretary of State
- 113 Offences relating to decommissioning programmes
- 114 Interpretation of Chapter 3 of Part 2

CHAPTER 4

RENEWABLES OBLIGATIONS RELATING TO ELECTRICITY

- 115 Discharge of renewables obligation in Great Britain by payment

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

- 116 Issue of green certificates in Great Britain
- 117 Use of green certificates issued in Northern Ireland
- 118 Distributions to Northern Ireland suppliers
- 119 Supplementary provision relating to renewables obligation in Great Britain
- 120 Issue of green certificates in Northern Ireland
- 121 GEMA's power to act on behalf of Northern Ireland regulator
- 122 Consultation in relation to Northern Ireland renewables orders
- 123 Modification of conditions of Northern Ireland electricity licences

CHAPTER 5

RENEWABLE TRANSPORT FUEL OBLIGATIONS

- 124 Imposition of renewable transport fuel obligations
- 125 The Administrator
- 126 Determinations of amounts of transport fuel
- 127 Renewable transport fuel certificates
- 128 Discharge of obligation by payment
- 129 Imposition of civil penalties
- 130 Objections to civil penalties
- 131 Appeals against civil penalties
- 132 Interpretation of Chapter 5 of Part 2

PART 3

ENERGY REGULATION

CHAPTER 1

ELECTRICITY TRADING AND TRANSMISSION

- 133 "New trading and transmission arrangements"
- 134 Power to modify licence conditions
- 135 Alteration of transmission activities requiring licence
- 136 Transmission licences
- 137 New standard conditions for transmission licences
- 138 Conversion of existing transmission licences
- 139 Grant of transmission licences
- 140 Duties to provide information etc. to Secretary of State
- 141 Property arrangements schemes
- 142 Interpretation of Chapter 1 of Part 3
- 143 Amendments consequential on Chapter 1 of Part 3
- 144 Transition

CHAPTER 2

INTERCONNECTORS FOR ELECTRICITY AND GAS

Electricity interconnectors

- 145 Operators of electricity interconnectors to be licensed
- 146 Standard conditions for electricity interconnectors
- 147 Consequential amendments of the 1989 Act

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

148 Grant of electricity interconnector licences to existing operators

Gas interconnectors

- 149 Operators of gas interconnectors to be licensed
- 150 Standard conditions for gas interconnectors
- 151 Disapplication of existing regimes
- 152 Grant of gas interconnector licences to existing operators
- 153 Extraterritorial application of Gas Act 1986

CHAPTER 3

SPECIAL ADMINISTRATION REGIME FOR ENERGY LICENSEES

Energy administration orders

- 154 Energy administration orders
- 155 Objective of an energy administration
- 156 Applications for energy administration orders
- 157 Powers of court
- 158 Energy administrators
- 159 Conduct of administration, transfer schemes etc.

Restrictions on other insolvency procedures

- 160 Restrictions on winding-up orders
- 161 Restrictions on voluntary winding up
- 162 Restrictions on making of ordinary administration orders
- 163 Restrictions on administrator appointments by creditors etc.
- 164 Restrictions on enforcement of security

Financial support for companies in administration

- 165 Grants and loans
- 166 Indemnities
- 167 Guarantees where energy administration order is made

Licence modifications relating to energy administration

- 168 Modifications of particular or standard conditions
- 169 Licence conditions to secure funding of energy administration

Supplemental provision of Chapter 3 of Part 3

- 170 Modification of Chapter 3 of Part 3 under Enterprise Act 2002
- 171 Interpretation of Chapter 3 of Part 3

CHAPTER 4

FURTHER PROVISIONS ABOUT REGULATION

Security of supply

- 172 Annual report on security of energy supplies

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Appeals from GEMA decisions

- 173 Appeals to the Competition Commission
- 174 Procedure on appeals
- 175 Determination of appeals
- 176 Specialist members of Competition Commission

Funding of appeals and references

- 177 Modifications of standard conditions for funding appeals and references

Best practice

- 178 Duty to have regard to best regulatory practice

Meaning of electricity supply and high voltage lines

- 179 Meaning of electricity supply
- 180 Meaning of “high voltage line”

Metering

- 181 Prepayment meters

Inquiries under ss. 36 and 37 of the 1989 Act

- 182 Additional inspectors

Confidential information

- 183 Exclusion of confidential information from registers

Areas with high distribution or transmission costs

- 184 Assistance for areas with high distribution costs
- 185 Adjustment of transmission charges
- 186 Restrictions on disclosure of information

Payments into Scottish Consolidated Fund

- 187 Payments of sums raised by fossil fuel levy

PART 4

MISCELLANEOUS AND SUPPLEMENTAL

Imposition of charges

- 188 Power to impose charges to fund energy functions

International agreements relating to pipelines and offshore installations

- 189 Power to modify Petroleum Act 1998

Supplementary provision relating to functions of Secretary of State and GEMA

- 190 Application of general duties to Part 3 functions etc.
- 191 Supplementary provision about licence condition powers

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Supplemental

- 192 Powers exercisable by statutory instrument
- 193 Service of notifications and other documents
- 194 Notifications and documents in electronic form
- 195 Timing and location of things done electronically
- 196 General interpretation
- 197 Repeals etc.
- 198 Short title, commencement and extent

SCHEDULES

SCHEDULE 1 — The Nuclear Decommissioning Authority Part 1 — MEMBERS AND STAFF OF NDA

Tenure of office by non-executive members

- 1 (1) Subject to what follows, the chairman and each of...

Remuneration and pensions of non-executive members

- 2 (1) The NDA may pay— (a) to the chairman, and...

Terms and conditions of executive members of the NDA

- 3 (1) The chief executive is to hold office on such...

Constitution of NDA for initial period

- 4 (1) Until the end of the initial period the NDA...

Staffing of the NDA

- 5 (1) The NDA— (a) may appoint such employees, in addition...

UKAEA pensions for NDA staff

- 6 A pension scheme maintained by the UKAEA under paragraph 7(2)
(b)...

Part 2 — PROCEEDINGS OF NDA

Committees of the NDA and advisory committees

- 7 (1) The NDA may make such arrangements as it thinks...

Delegation of functions

- 8 (1) Anything that is authorised or required by or under...

Quorums

- 9 (1) A decision of the NDA relating to a matter...

Proceedings of the NDA and of their committees etc.

- 10 (1) The NDA may make such other arrangements as it...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Authentication of NDA's seal

- 11 (1) Authentication of the application of the NDA's seal is...

Records of proceedings

- 12 (1) The NDA must make arrangements for the keeping of...

Validity of proceedings

- 13 (1) The validity of proceedings of the NDA, of the...
Part 3 — SUPPLEMENTAL

Public records

- 14 In paragraph 3 of Schedule 1 to the Public Records...

Parliamentary Commissioner Act 1967

- 15 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c....

Disqualification for House of Commons and Northern Ireland Assembly

- 16 In Part 2 of Schedule 1 to the House of...

Scottish devolution

- 17 The following provisions of the Scotland Act 1998 (c. 46)...

Freedom of information

- 18 In Part 6 of Schedule 1 to the Freedom of...

Interpretation of Schedule

- 19 In this Schedule “chairman”, “chief executive”, “executive member”
and “non-executive...”

SCHEDULE 2 — Procedural requirements applicable to NDA's strategy

Approval required for strategy

- 1 Subject to paragraph 3(6), a strategy prepared or revised by...

Initial strategy

- 2 The NDA must— (a) prepare its first strategy, and

Strategy reviews and revisions

- 3 (1) The NDA must carry out and complete a review...

Consultation by NDA

- 4 (1) Before— (a) preparing a strategy, (b) revising a strategy...

Approval of strategy

- 5 (1) This paragraph applies where— (a) anything is submitted for...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Publication of strategy

6 (1) The NDA must publish its approved strategy in the...

SCHEDULE 3 — Procedural requirements applicable to NDA's annual plans

Preparation and revision of plan

1 (1) A plan prepared or revised by the NDA has...

Consultation by NDA

2 (1) Before preparing or revising a plan the NDA must...

Approval of annual plan

3 (1) This paragraph applies where a draft of the NDA's...

Publication of plan

4 (1) The NDA must publish its plan for a financial...

SCHEDULE 4 — Supplemental taxation provisions for exempt activities

Exempt activities to be separate trade

1 Exempt activities carried on— (a) by the NDA, or

Accounting periods of companies carrying on exempt activities

2 (1) An accounting period of the NDA or of an...

Charges on income in connection with exempt activities

3 No charges on income incurred— (a) by the NDA, or...

Finance leasing of plant and machinery

4 (1) This paragraph applies where there is a finance lease...

Mixed use of industrial buildings

5 An identifiable part of a building or structure used for...

Residue of qualifying expenditure on industrial buildings

6 (1) This paragraph applies where— (a) the NDA disposes of...

SCHEDULE 5 — Supplementary provisions about nuclear transfer schemes

Identification of property to which scheme applies

1 A nuclear transfer scheme may set out the property, rights...

Property, rights and liabilities that may be transferred

2 (1) The property, rights and liabilities that may be transferred...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Dividing and modifying transferor's property, rights and liabilities

- 3 (1) A nuclear transfer scheme may contain provision—

Obligation to effect transfers etc. under a nuclear transfer scheme

- 4 (1) A nuclear transfer scheme may contain provision for imposing...

Effect of nuclear transfer schemes

- 5 (1) In relation to each provision of a nuclear transfer...

Supplementary provisions of schemes

- 6 (1) A nuclear transfer scheme may make incidental, supplemental, consequential...

Proof of title by certificate

- 7 A certificate issued by the Secretary of State to the...

Duties in relation to foreign property

- 8 (1) Where there is a transfer in accordance with a...

Modification of scheme by agreement

- 9 (1) This paragraph applies in the case of a nuclear...

The Transfer of Undertakings (Protection of Employment) Regulations 1981

- 10 (1) The 1981 regulations apply to a transfer of an...

Compensation for third parties

- 11 (1) Where— (a) an entitlement of a third party to...

Compensation for transferor in case of a recovery scheme

- 12 (1) If the Secretary of State is satisfied in the...

Interpretation

- 13 (1) In this Schedule— “modification agreement” means an agreement for...

SCHEDULE 6 — Structure etc. of transferee companies

Application and interpretation of Schedule

- 1 (1) This Schedule applies where— (a) property, rights and liabilities...

Initial Government holding in the transferee company

- 2 (1) As a consequence of the vesting, in accordance with...

Government investment in securities of transferee company

- 3 (1) The Treasury or a Minister of the Crown may...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Exercise of functions through nominees

4 (1) The Treasury, a Minister of the Crown or either...

Payment of dividends etc. into Consolidated Fund

5 Dividends or other sums received by the Treasury or a...

Distributable reserves of transferee companies

6 (1) This paragraph applies where statutory accounts of the transferee...

Dividends

7 (1) This paragraph applies where a distribution is proposed to...

Saving for inherent powers of Ministers

8 Nothing in this Schedule is to be construed as prejudicing...

SCHEDULE 7 — Finances and accounts of transferee companies

Interpretation of Schedule

1 (1) In this Schedule— “designated BNFL company” means a company...

Government lending to transferee companies

2 (1) Subject to paragraphs 5 and 6, the Secretary of...

Guarantees for designated BNFL companies

3 Section 1 of the Nuclear Industry (Finance) Act 1977 (c....

Government guarantees for loans of undesignated publicly controlled transferee companies

4 (1) Subject to paragraph 6, the Secretary of State may...

Financial limits of BNFL and publicly controlled companies that are designated

5 (1) Section 2 of the Nuclear Industry (Finance) Act 1977...

Financial limits for publicly controlled transferees that are not designated

6 (1) The aggregate amount outstanding by way of principal in...

Temporary restrictions on borrowing of transferee companies

7 (1) This paragraph applies if the articles of association of...

Statutory accounts of transferee companies

8 (1) This paragraph has effect for the purposes of the...

Accounts of Crown owned transferee companies to be laid before Parliament

9 As soon as practicable after the holding of a general...

SCHEDULE 8 — Pensions

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Part 1 — PRELIMINARY

Interpretation

- 1 (1) In this Schedule— “BNFL company” means BNFL or a...

Part 2 — EXTENSIONS OF CERTAIN PENSION SCHEMES

- 2 (1) The NDA may, by direction, make such modifications of...

Part 3 — PUBLIC SECTOR TRANSFERS OF UKAEA PENSION SCHEME MEMBERS

Transfers of employment for NDA purposes

- 3 For the purposes of this Part of this Schedule a...

Application of UKAEA pension scheme

- 4 (1) A person who— (a) in accordance with a nuclear...

Modification of UKAEA pension scheme

- 5 (1) The Secretary of State may direct the UKAEA to...

Transfer of funds from UKAEA pension scheme

- 6 (1) The Secretary of State may direct the UKAEA to...

Exercise of powers of Secretary of State

- 7 (1) A direction under paragraph 5 or 6 may require...

Payments to UKAEA by relevant public sector employer

- 8 Where employees, or directors or other officers, of a relevant...

Part 4 — OTHER TRANSFERS

Persons entitled to pension protection under paragraphs 10 and 11

- 9 (1) For the purposes of this Part of this Schedule...

Protection on transfer in accordance with a nuclear transfer scheme

- 10 (1) Before the coming into force of a nuclear transfer...

Protection on a transfer in accordance with transfer arrangements

- 11 (1) It shall be the duty of the NDA to...

Modification of NDA schemes

- 12 (1) The Secretary of State shall have power by direction...

Part 5 — UKAEA PENSIONS FOR EMPLOYEES OF DESIGNATED BNFL COMPANIES

- 13 (1) A UKAEA pension scheme may apply to employees of...

SCHEDULE 9 — Taxation provisions relating to nuclear transfer schemes

Part 1 — TRANSFERS TO THE NDA OR A SUBSIDIARY OF THE NDA

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Trading losses: transfer of company carrying on exempt activities

- 1 (1) This paragraph applies for the purposes of corporation tax...

Trading losses: transfer of undertaking carrying on exempt activities

- 2 (1) This paragraph applies for the purposes of corporation tax...

Chargeable gains: assets to be treated as disposed without a gain or a loss

- 3 (1) This paragraph applies for the purposes of the 1992...

Chargeable gains: assets treated as acquired at nil cost

- 4 (1) This paragraph applies for the purposes of the 1992...

Chargeable gains: degrouping charges

- 5 (1) This paragraph applies if a company (“the degrouped company”) —...

Chargeable gains: disposal of debts

- 6 (1) This paragraph applies if— (a) a debt owed to...

Capital allowances: transfer of whole trade

- 7 (1) This paragraph applies where— (a) a company (“the transferor...

Capital allowances: transfer of part of a trade

- 8 (1) Where— (a) a company (“the transferor company”) which is...

Capital allowances: transfer of plant or machinery

- 9 (1) This paragraph applies where— (a) there is a transfer...

Capital allowances: transfer not to be transaction between connected persons

- 10 For the purposes of Part 2 of the 2001 Act...

Continuity in relation to loan relationships

- 11 (1) This paragraph applies if, in consequence of a section...

Continuity in relation to derivative contracts

- 12 (1) This paragraph applies if, in consequence of a section...

Continuity in relation to transfer of intangible assets

- 13 (1) Where— (a) property is transferred in accordance with a...

Chargeable intangible assets: degrouping charges

- 14 (1) This paragraph applies if a company (“the degrouped company”) —...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Computation of profits and losses in respect of transfer of trade

- 15 (1) This paragraph applies where, in consequence of a section...
Part 2 — TRANSFERS RELATING TO BNFL OR THE UKAEA ETC.

Application of Part 2 of Schedule

- 16 (1) This Part of this Schedule applies to a transfer...

Application of rules for reorganisations under same ownership

- 17 Where the conditions set out in subsection (1) of section...

Chargeable gains: assets to be treated as disposed without a gain or a loss

- 18 (1) This paragraph applies for the purposes of the 1992...

Chargeable gains: degrouping charges

- 19 (1) This paragraph applies if a company (“the degrouped company”) —...

Chargeable gains: disposal of debts

- 20 (1) This paragraph applies if— (a) a debt owed to...

Capital allowances: transfer of plant or machinery

- 21 (1) This paragraph applies where— (a) property transferred by a...

Capital allowances: transfer not to be transaction between connected persons

- 22 For the purposes of Part 2 of the 2001 Act...

Continuity in relation to loan relationships

- 23 (1) This paragraph applies if, in consequence of a transfer...

Continuity in relation to derivative contracts

- 24 (1) This paragraph applies if, in consequence of a transfer...

Continuity in relation to transfer of intangible assets

- 25 (1) Where— (a) property is transferred by a transfer to...

Chargeable intangible assets: degrouping charges

- 26 (1) This paragraph applies if a company (“the degrouped company”) —...

Computation of profits and losses: transfer of trade

- 27 (1) This paragraph applies where, in consequence of a section...
Part 3 — TRANSFERS RELATING TO RELEVANT SITE LICENSEES
- 28 (1) This paragraph applies where, in consequence of a nuclear...
- 29 (1) This paragraph applies where— (a) as a consequence of...
- 30 In this Part of this Schedule “relevant site licensee” has...
Part 4 — TRANSFER OF NUCLEAR LIABILITIES INVESTMENT PORTFOLIO

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Application of Part 4 of Schedule

31 This Part of this Schedule applies to a transfer to...

Chargeable gains: assets to be treated as disposed without a gain or a loss

32 (1) This paragraph applies for the purposes of the 1992...

Neutral effect of transfer for loan relationships and derivative contracts

33 No credit or debit shall be required or allowed, in...

Part 5 — STAMP DUTY ETC.

34 (1) Stamp duty is not to be chargeable—

Part 6 — SUPPLEMENTAL PROVISIONS OF SCHEDULE

Groups of companies

35 References to a company in the following enactments shall apply...

Consequential amendment

36 In section 35(3)(d) of the 1992 Act (no gain no...

Interpretation of Schedule

37 (1) In this Schedule— “the 1992 Act” means the Taxation...

SCHEDULE 10 — The Civil Nuclear Police Authority

Part 1 — MEMBERSHIP

Appointment

1 (1) The Police Authority shall consist of not fewer than...

Terms of appointment

2 (1) Subject to what follows, each member of the Police...

Remuneration

3 The Police Authority may pay to each of its members...

Part 2 — PROCEEDINGS

Police Authority to regulate procedure

4 (1) The Police Authority may make such arrangements as it...

Validity etc.

5 The validity of proceedings of the Police Authority shall not...

Part 3 — EMPLOYEES

Employees of the Police Authority

6 (1) The Police Authority may employ such persons as it...

UKAEA pensions for employees of the Police Authority

7 (1) A pension scheme maintained by the UKAEA under paragraph...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Part 4 — FINANCES

Borrowing by the Police Authority

- 8 (1) The Police Authority may borrow money, but only in...

Guarantees for borrowing by the Police Authority

- 9 (1) The Secretary of State may guarantee—

Grants and loans to the Police Authority

- 10 (1) The Secretary of State may— (a) make payments by...

Financial duties

- 11 (1) The Secretary of State may determine the financial duties...

Accounts and audit

- 12 (1) The Police Authority must— (a) keep proper accounts and...

Receipts and surpluses

- 13 (1) The Secretary of State may give a direction requiring...

Destination of receipts

- 14 The Secretary of State must pay sums received by him...

Part 5 — MISCELLANEOUS

Authentication of Police Authority's seal

- 15 (1) The application of the seal of the Police Authority...

Status

- 16 (1) The Police Authority is not to be regarded—

Disqualification for House of Commons

- 17 In Part 2 of Schedule 1 to the House of...

Freedom of information

- 18 In Part 5 of Schedule 1 to the Freedom of...

SCHEDULE 11 — Removal and suspension of senior officers of Constabulary

Removal of senior officers by Police Authority

- 1 (1) The Police Authority may call on a senior officer,...

Power of Secretary of State to require removal of chief constable

- 2 (1) The Secretary of State may require the Police Authority...

Suspension of senior officers by Police Authority pending removal

- 3 (1) This paragraph applies where— (a) the Police Authority has...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Power of Secretary of State to require suspension of chief constable

- 4 (1) This paragraph applies where— (a) the Police Authority has...

SCHEDULE 12 — Planning and reports about Constabulary

Part 1 — PLANNING

Determination of annual objectives for Constabulary

- 1 (1) Before the beginning of each financial year, the Police...

Annual policing plan

- 2 (1) Before the beginning of each financial year, the Police...

Three-year strategy plan

- 3 (1) Before the beginning of each financial year, the Police...

Initial objectives and plans

- 4 The first objectives that are required to be determined under...

Part 2 — REPORTS

Annual report by chief constable

- 5 The chief constable must, as soon as possible after the...

Power of Police Authority to require reports

- 6 (1) Whenever he is required to do so by the...

Annual report by Police Authority

- 7 (1) As soon as possible after the end of each...

Power of Secretary of State to require reports

- 8 (1) The Secretary of State may at any time require...

Meaning of “reporting year”

- 9 (1) In this Part of this Schedule “reporting year”, in...

SCHEDULE 13 — Directions by Secretary of State about Constabulary

Objectives

- 1 (1) The Secretary of State may give directions to the...

Directions with respect to the Constabulary

- 2 (1) The Secretary of State may give directions to the...

Government, administration and conditions of service

- 3 (1) The Secretary of State may give directions to the...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Remedial action

4 (1) This paragraph applies where the Secretary of State considers...

SCHEDULE 14 — Minor amendments relating to Constabulary

Public Records Act 1958

1 In paragraph 3 of Schedule 1 to the Public Records...

Police (Scotland) Act 1967

2 (1) Section 12 of the Police (Scotland) Act 1967 (c....

Firearms Act 1968

3 In section 54 of the Firearms Act 1968 (c. 27)...

Race Relations Act 1976

4 In Part 2 of Schedule 1A to the Race Relations...

Ministry of Defence Police Act 1987

5 (1) In section 2 of the Ministry of Defence Police...

Official Secrets Act 1989

6 In section 12 of the Official Secrets Act 1989 (c....

Police Act 1996

7 In section 23 of the Police Act 1996 (c. 16)...

Regulation of Investigatory Powers Act 2000

8 (1) In section 46(3) of the Regulation of Investigatory Powers...

Criminal Justice and Police Act 2001

9 In section 88 of the Criminal Justice and Police Act...

Anti-terrorism, Crime and Security Act 2001

10 (1) In section 77(7) of the Anti-terrorism, Crime and Security...

Police Reform Act 2002

11 In section 82 of the Police Reform Act 2002 (c....

SCHEDULE 15 — Amendments of 1993 Act

Preliminary

1 The 1993 Act is amended as follows.

Applications for authorisations

2 In section 16(6) (obligation to send copy of application to...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Duty to display documents

- 3 In section 19 (duty to display authorisation etc.), for “to...

Requirements with respect to records

- 4 In section 20(1) (imposition of requirements with respect to records),...

Enforcement notices

- 5 (1) In subsection (1) of section 21 (enforcement notifications), for...

Prohibition notices

- 6 In section 22(6) (copy of prohibition notice to be served...

Directions in relation to applications etc.

- 7 (1) In subsection (1)(b) of section 23 (directions in relation...

Power to call in applications

- 8 In section 24(1)(a) (applications that may be called in), for...

Power to restrict knowledge of applications etc.

- 9 (1) In subsection (2)(a) of section 25 (directions to restrict...

Appeals

- 10 (1) In subsection (1) of section 26 (appeals), after paragraph...

Offences

- 11 In each of paragraphs (c) and (d) of section 32(1)...

False and misleading statements

- 12 In section 34A (offences of making false and misleading statements)
—...

Meaning of “prescribed”

- 13 In section 47(1) (interpretation), for the definition of “prescribed”
substitute—...

SCHEDULE 16 — Applications and proposals for notices under section 95

Interpretation

- 1 In this Schedule references to a safety zone notice are...
2 In this Schedule “relevant renewable energy installation”, in relation
to...

Requirements for applications

- 3 (1) An application for a safety zone notice must describe,...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Objections to an application

- 4 (1) The Secretary of State may by regulations make provision...

Objections in other cases

- 5 (1) This paragraph applies where— (a) the Secretary of State...

Public inquiries

- 6 (1) This paragraph applies where a public inquiry is to...

Use of additional inspectors for an inquiry

- 7 (1) This paragraph applies in the case of—

Combined notices

- 8 A notice required by or under this Schedule may be...

Parliamentary control of regulations

- 9 Regulations under this Schedule are subject to the negative resolution...

SCHEDULE 17 — Conversion of existing transmission licences: licensing scheme

Licensing scheme

- 1 (1) Before the commencement of section 136, the Secretary of...

Consequential amendment of related codes and agreements

- 2 The Secretary of State may include in a scheme under...

Effect of licensing scheme

- 3 (1) A scheme under paragraph 1 shall, by virtue of...

Modification of licensing scheme

- 4 (1) If at any time after a scheme under paragraph...

Consultation by the Secretary of State

- 5 (1) Before carrying out any function under this Schedule the...

“Existing transmission licence”

- 6 In this Schedule, references to an existing transmission licence are...

SCHEDULE 18 — Property arrangements schemes

Scheme-making power

- 1 (1) GEMA may, on application, make a scheme providing for—...

Applications for schemes

- 2 (1) An application for the making of a property arrangements...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

GEMA's functions in relation to applications

- 3 (1) On an application for the making of a property...
- 4 (1) Subject to the following provisions of this paragraph, where...
- 5 (1) A determination under paragraph 4, so far as relating...
- 6 GEMA may require any of the following persons to give...
- 7 GEMA may engage such consultants as it thinks fit for...

Effect of property arrangements scheme

- 8 A property arrangements scheme shall, by virtue of this paragraph,...
- 9 (1) A transaction of any description effected by or under...

Review of determinations

- 10 (1) Any person aggrieved by a determination of GEMA under...
- 11 (1) This paragraph applies where— (a) the Competition Appeal Tribunal...
- 12 (1) This paragraph applies where— (a) the Competition Appeal Tribunal...
- 13 (1) This paragraph applies where— (a) the Competition Appeal Tribunal...
- 14 An order under paragraph 10(4)(b) may include provision for the...
- 15 Section 120(6) to (8) of the Enterprise Act 2002 (c....

Interim arrangements pending review of determination

- 16 (1) This paragraph applies where— (a) a person makes an...
- 17 (1) This paragraph applies where— (a) a person makes an...
- 18 In exercising its powers under paragraph 16 or 17, the...
- 19 Paragraphs 16 and 17 are without prejudice to any powers...
- 20 (1) If an order under paragraph 16 or 17 is...

Supplementary

- 21 The Secretary of State may by order designate the holder...
- 22 An application under this Schedule is not allowed to be...
- 23 (1) In this Schedule— “existing transmission licence” means a transmission...

SCHEDULE 19 — Consequential amendments relating to Chapter 1 of Part 3

Water (Scotland) Act 1980 (c. 45)

- 1 In Schedule 4 to the Water (Scotland) Act 1980 (provisions...

Telecommunications Act 1984 (c. 38)

- 2 In section 98(9) of the Telecommunications Act 1984, in the...

Electricity Act 1989 (c. 29)

- 3 The 1989 Act is amended as follows.
- 4 In section 3A(5)(a), for “transmit, distribute or supply” substitute “...
- 5 In section 6 (licences authorising supply etc.), for subsection (7)...
- 6 In section 6A (procedure for licence applications), in subsection (1)...
- 7 (1) Section 6B (applications for transmission licence) is amended as...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

- 8 (1) Section 9 (general duties of licence holders) is amended...
- 9 (1) Section 10 (powers of licence holders) is amended as...
- 10 In section 29 (regulations relating to supply and safety), in...
- 11 In section 30 (electrical inspectors), in subsection (2)(a) (duty to...
- 12 (1) Section 35 (which supplements section 34 about fuel stocks...
- 13 In section 43B (supplementary provision about orders under section 43A),...
- 14 In section 58 (directions restricting the use of certain information)—...
- 15 (1) Section 64 (interpretation of Part 1) is amended as...
- 16 In Schedule 9 (preservation of amenity and fisheries), in paragraphs...

Water Industry Act 1991 (c. 56)

- 17 In Schedule 13 to the Water Industry Act 1991 (protective...

Water Resources Act 1991 (c. 57)

- 18 In Schedule 22 to the Water Resources Act 1991 (protective...

Land Drainage Act 1991 (c. 59)

- 19 In Schedule 6 to the Land Drainage Act 1991 (protective...

Utilities Act 2000 (c. 27)

- 20 In section 33(1) of the Utilities Act 2000 (which provides...

SCHEDULE 20 — Conduct of energy administration

Part 1 — APPLICATION OF SCHEDULE B1 TO THE 1986 ACT

Application of Schedule B1 provisions

- 1 (1) The provisions of Schedule B1 to the 1986 Act...
- 2 Those provisions of Schedule B1 to the 1986 Act are...

Part 2 — MODIFICATIONS OF SCHEDULE B1

Introductory

- 3 The modifications set out in this Part of this Schedule...

General modifications of the applicable provisions

- 4 In those provisions— (a) for “administration application” in each place...

Specific modifications

- 5 (1) In paragraph 1, for sub-paragraph (1) (which defines “administrator”)...
- 6 In paragraph 40 (dismissal of pending winding-up petition), omit sub-paragraphs...
- 7 In paragraph 42 (moratorium on insolvency proceedings), omit sub-paragraphs (4)...
- 8 In paragraph 44 (interim moratorium), omit sub-paragraphs (2) to (4),...
- 9 In paragraph 46(6) (date for notifying administrator’s appointment), for paragraphs...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

- 10 (1) In sub-paragraph (2)(b) of paragraph 49 (administrator’s proposals)
for...
- 11 For paragraph 54 (revision of administrator’s proposals) substitute— (1)
The energy administrator of a company may on one...
- 12 In paragraph 60 (powers of an administrator), the existing text...
- 13 (1) In paragraph 68 (management duties of an administrator), for...
- 14 In paragraphs 71(3)(b) and 72(3)(b) (handling of secured property),
for...
- 15 In paragraph 73(3) (which contains a reference to the administrator’s...
- 16 (1) In paragraph 74 (challenge to administrator’s conduct), for sub-
paragraph...
- 17 In paragraph 75(2) (misfeasance), after paragraph (b) insert—
- 18 (1) In paragraph 79 (end of administration), for sub-paragraphs (1)...
- 19 In paragraph 83(3) (notice to registrar when moving to voluntary...
- 20 (1) In paragraph 84 (notice to registrar when moving to...
- 21 In paragraph 87 (resignation of administrator), for sub-paragraph (2)(a)
to...
- 22 In paragraph 89 (administrator ceasing to be qualified), for sub-
paragraph...
- 23 In paragraph 90 (filling vacancy in office of administrator), for...
- 24 (1) In paragraph 91 (vacancies in court appointments), for sub-
paragraph...
- 25 In paragraph 98 (discharge from liability on vacation of office),...
- 26 (1) In paragraph 99 (charges and liabilities upon vacation of...
- 27 In paragraph 100 (joint and concurrent administrators), omit sub-
paragraph (2)...
- 28 In paragraph 101(3) (joint administrators), after “87 to” insert “...
- 29 (1) In paragraph 103 (appointment of additional administrators), in sub-
paragraph...
- 30 In paragraph 106 (penalties), omit sub-paragraph (2)(a), (b), (f), (g),...
- 31 In paragraph 109 (references to extended periods), omit “or 108”....
- 32 (1) In sub-paragraph (1) of paragraph 111 (interpretation)—
Part 3 — FURTHER SCHEDULE B1 MODIFICATIONS FOR UNREGISTERED
COMPANIES

Introductory

- 33 (1) Where the provisions of Schedule B1 to the 1986...
- 34 In paragraphs 35 to 40— (a) the provisions of Schedule...

Modifications

- 35 In the case of an unregistered company—
- 36 (1) The applicable provisions and Schedule 1 to the 1986...
- 37 (1) Paragraph 41 of Schedule B1 to the 1986 Act...
- 38 Paragraph 43(6A) of Schedule B1 to the 1986 Act (moratorium...
- 39 Paragraph 44(7) of Schedule B1 to the 1986 Act (proceedings...
- 40 Paragraph 64 of Schedule B1 to the 1986 Act (general...
Part 4 — OTHER MODIFICATIONS

General modifications

- 41 (1) Subject to paragraph 42, every reference falling within sub-
paragraph...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

- 42 (1) Paragraph 41, in its application to section 1(3) of...

Modifications of 1986 Act

- 43 In section 5 of the 1986 Act (effect of approval...
44 (1) Section 6 of that Act (challenge of decisions in...
45 In section 129(1A) of that Act (commencement of winding up),...

Power to make further modifications

- 46 (1) The Secretary of State may by order make such...

Interpretation of Part 4 of Schedule

- 47 In this Part of this Schedule— “administration order”, “administrator”, “enters...

SCHEDULE 21 — Energy transfer schemes

Application of Schedule

- 1 This Schedule applies where— (a) the court has made an...
2 It is for the energy administrator, while the energy administration...

Making of energy transfer schemes

- 3 (1) The old energy company may— (a) with the consent...

Provision that may be made by a scheme

- 4 (1) An energy transfer scheme may contain provision—

Transfer of licences

- 5 (1) The provision that may be made by an energy...

Powers and duties under statutory provisions

- 6 (1) The provision that may be made by an energy...

Supplemental provisions relating to transfers

- 7 (1) An energy transfer scheme may make incidental, supplemental, consequential...

Effect of scheme

- 8 (1) In relation to each provision of an energy transfer...

Subsequent modification of scheme

- 9 (1) The Secretary of State may by notice to the...

Transfers in the case of non-GB companies

- 10 Where the old energy company is a non-GB company, the...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Provision relating to foreign property etc.

11 (1) Where there is a transfer in accordance with an...

Application of Schedule to transfers to subsidiaries

12 Where the proposed transfer falling within subsection (3) of section...

Interpretation

13 In this Schedule— “energy transfer scheme” has the meaning given...

SCHEDULE 22 — Procedure for appeals under section 173

Application for permission to bring appeal

1 (1) An application for permission to bring an appeal may...

Addition of parties to appeal

2 (1) This paragraph applies if— (a) before the end of...

Suspension of decision

3 (1) Where permission has been granted to bring an appeal...

Time limit for representations and observations by GEMA

4 (1) Where GEMA wishes to make representations or observations to...

Consideration and determination of appeal by group

5 (1) The following functions of the Commission must be carried...

Timetable for determination of appeal

6 (1) The group with the function of determining an appeal...

Matters to be considered on appeal

7 The group with the function of determining an appeal, if...

Production of documents

8 (1) The Commission may, by notice, require a person to...

Oral hearings

9 (1) For the purposes of this Schedule an oral hearing...

Written statements

10 (1) The Commission may, by notice, require a person to...

Defaults in relation to evidence

11 (1) If a person (“the defaulter”)— (a) fails to comply...

Status: Point in time view as at 01/04/2005.

Changes to legislation: Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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)

Appeal rules

- 12 (1) The Commission may make rules regulating the conduct and...

Costs

- 13 (1) A group that determines an appeal must make an...

The Secretary of State's power to modify time limits

- 14 (1) The Secretary of State may by order modify any...

Interpretation of Schedule

- 15 (1) In this Schedule—“appeal” means an appeal under section...

SCHEDULE 23 — Repeals

Part 1 — REPEALED PROVISIONS

Part 2 — SAVINGS ETC.

- 1 The repeal by this Act of section 19 of the...
- 2 The repeal by this Act of a provision of the...
- 3 The repeal by this Act of section 76 of the...

Status:

Point in time view as at 01/04/2005.

Changes to legislation:

Energy Act 2004 is up to date with all changes known to be in force on or before 11 June 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.