

2013 No. 1875

NUCLEAR ENERGY

The Nuclear Decommissioning and Waste Handling (Finance and Fees) (Amendment) Regulations 2013

Made - - - - *23rd July 2013*

Laid before Parliament *30th July 2013*

Coming into force - - *22nd August 2013*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 50 and 104 of the Energy Act 2008^(a).

The Secretary of State has consulted the Health and Safety Executive, the Environment Agency, and the Department of the Environment for Northern Ireland, in so far as these Regulations relate to a function conferred on them by or under an enactment.

Citation, commencement and interpretation

1. These Regulations may be cited as the Nuclear Decommissioning and Waste Handling (Finance and Fees) (Amendment) Regulations 2013 and come into force on 22nd August 2013.

2. In these Regulations “the Principal Regulations” means the Nuclear Decommissioning and Waste Handling (Finance and Fees) Regulations 2013^(b).

Amendment of regulation 11

3.—(1) For regulation 11(3) of the Principal Regulations substitute—

“(3) A proposal (other than a proposal described in paragraph (2)) is an exempt proposal where—

(a) the proposal—

(i) would result in only a change in the estimates of costs described in regulation 5(1)(a) or, as appropriate, (b); or

(ii) relates to the details of the steps to be taken under the programme in relation to the technical matters;

(b) the conditions set out in paragraph (4) are satisfied; and

(c) the requirements of regulation 14 are complied with in relation to the proposal.”.

(2) In regulation 11(4) for “paragraph (3)(c)” substitute “paragraph (3)(b)”.

^(a) 2008 c. 32.
^(b) S.I. 2013/126.

(3) For the formula at regulation 11(5) of the Principal Regulations, substitute—

$$A = B + \left(B \times \frac{Y - X}{X} \right).$$

23rd July 2013

Michael Fallon
Minister of State
Department of Energy and Climate Change

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 11 of the Nuclear Decommissioning and Waste Handling (Finance and Fees) Regulations 2013 (“the Principal Regulations”) to correct a drafting error identified in the 23rd Report of the Joint Committee for Statutory Instruments (“JCSI”) for the Parliamentary Session 2012-13. Regulation 11 of the Principal Regulations provides for two sets of modifications to an operator’s Funded Decommissioning Programme for which the Secretary of State’s consent is not required. These are described as “exempt proposals”: the first set is at 11(2) of the Principal Regulations, and the second set at 11(3) of the Principal Regulations. The exempt proposals as described in new regulation 11(3) inserted by regulation 3 of this instrument are subdivided into proposals relating either to a change in costs estimates, or to proposals relating to the steps to be taken in relation to the technical matters. Each type of proposal only falls within regulation 11(3) if it satisfies the conditions at regulation 11(4), and the information requirements at regulation 14 of the Principal Regulations are met. The JCSI identified the proposition as expressed in the Principal Regulations was not sufficiently clear. In addition to correcting the error identified by the JCSI, these Regulations substitute a new formula in the Principal Regulations in order to correct an error in the existing formula for the calculation of inflation.

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