



Energy Act 1983

1983 CHAPTER 25

An Act to amend the law relating to electricity so as to facilitate the generation and supply of electricity by persons other than Electricity Boards, and for certain other purposes; and to amend the law relating to the duties of persons responsible for nuclear installations and to compensation for breach of those duties. [9th May 1983]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

1–26^{F1}

Annotations:

Amendments (Textual)

F1 Pt. I (ss. 1–26) repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

PART II

NUCLEAR INSTALLATIONS

27 **Limitation of operators' liability.**

(1) In section 16 of the ^{MI}Nuclear Installations Act 1965 (below called “the 1965 Act”), in subsection (1) (limitation of operator's liability in respect of any occurrence to £5

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1983. (See end of Document for details)

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,

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

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1983. (See end of Document for details)

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.

Annotations:

Marginal Citations

M1 1965 c. 57.

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.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1983. (See end of Document for details)

- (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.”.
- (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—

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1983. (See end of Document for details)

“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”.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1983. (See end of Document for details)

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 ^{M2}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.

Annotations:

Marginal Citations

M2 1954 c. 32.

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 ^{M3}Nuclear Installations Act 1965.

Annotations:

Marginal Citations

M3 1965 c. 57.

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.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1983. (See end of Document for details)

Annotations:

Modifications etc. (not altering text)

C1 [S. 37\(1\)\(2\)](#) power of appointment conferred by s. 37(1)(2) partly exercised: [S.I. 1983/790](#), 1988/1587

38 Short title and extent.

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

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1983. (See end of Document for details)

SCHEDULES

SCHEDULE 1–

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F2

Annotations:

Amendments (Textual)

F2 Schs. 1–3 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

SCHEDULE 4

Section 36.

ENACTMENTS REPEALED

PART I

ELECTRICITY

Chapter	Short title	Extent of repeal
51 & 52 Vict. c. 12.	The Electric Lighting Act 1888.	The whole Act.
62 & 63 Vict. c. 19.	The Electric Lighting (Clauses) Act 1899.	In the Schedule (as incorporated with the Electricity Act 1947 or any other enactment)— in section 2, the words from “forty-nine” to “fifty-eight”; in section 10, paragraph (a), paragraph (c) and the word “and” immediately preceding paragraph (c); section 38; in section 52, the words from “and for those purposes” to “acts”; section 54(2); section 60;

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1983. (See end of Document for details)

		in section 69(1), in paragraph (a) the words from “are” to “Schedule” and the words from “permitted” to “earth or”, paragraph (b) (and the word “or” preceding it) and paragraph (c);
		in section 69(2), the words “or work” in each place where they occur.
9 Edw. 7. c. 34.	The Electric Lighting Act 1909.	Section 23.
9 & 10 Geo. 5. c. 100.	The Electricity (Supply) Act 1919.	Section 11.
		In section 36, the definition of “private generating station”.
12 & 13 Geo. 5. c. 46.	The Electricity (Supply) Act 1922.	Section 23.
16 & 17 Geo. 5. c. 51.	The Electricity (Supply) Act 1926.	Section 24.
26 Geo. 5 & 1 Edw. 8. c. 20.	The Electricity Supply (Meters) Act 1936.	In section 1(1), the words “by authorised undertakers”.
		In section 1(3), the words “by any consumer or the undertakers as the case may be”.
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 4, the entry relating to the Electricity (Supply) Act 1919.
Chapter	Short title	Extent of repeal
10 & 11 Geo. 6. c. 54.	The Electricity Act 1947.	In section 2(4)(b), the words “under the foregoing section”.
		In section 2(5), the words from “under” where it first occurs to “this section” and the words from “but” to the end.
		In section 37(4), the words “on the premises of the consumer”.
		Section 60.
		In Schedule 4—

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1983. (See end of Document for details)

		in Part I, the entries relating to section 23 of the Electric Lighting Act 1909, section 11 of the Electricity (Supply) Act 1919 and section 24 of the Electricity (Supply) Act 1926; and
		in Part III, the entries relating to sections 49 and 60 of the Schedule to the Electric Lighting (Clauses) Act 1899.
2 & 3 Eliz. 2. c. 60.	The Electricity Reorganisation (Scotland) Act 1954.	Section 1(3).
		In Part III of Schedule 1, the entry relating to the Electric Lighting Act 1888.
4 & 5 Eliz. 2. c. xciv.	The South of Scotland Electricity Order Confirmation Act 1956.	Section 40.
5 & 6 Eliz. 2. c. 48.	The Electricity Act 1957.	In section 2(7)(c), the words “under the preceding provisions of this section”. Section 30(5) to (8). In Schedule 4— in Part I, the entries relating to sections 50 and 60 of the Electricity Act 1947; and in Part II, the entry relating to the Electricity (Supply) Act 1919.
7 Eliz. 2. c. ii.	The North of Scotland Electricity Order Confirmation Act 1958.	Section 27.
1969 c. 48.	The Post Office Act 1969.	In Schedule 4— in paragraph 8, sub-paragraph (b), in sub-paragraph (c) the references to sections 10, 60 and 69 of the Schedule to the Electric Lighting (Clauses) Act 1899 and sub-paragraph (g); paragraph 11.
1976 c. 76. Chapter	The Energy Act 1976 Short title	Section 14(6)(b). Extent of repeal

Changes to legislation: There are currently no known outstanding effects for the Energy Act 1983. (See end of Document for details)

1979 c. 11.	The Electricity (Scotland) Act 1979.	<p>In section 7(3), the words “under this Act”.</p> <p>In section 9(2), the words from “but” to the end.</p> <p>In section 22(3), the words “on the premises of the consumer”.</p> <p>In Section 35(1), the word “private” in both places where it occurs and the word “new”.</p> <p>Section 35(2).</p> <p>In paragraph 13 of Schedule 10, the reference to section 60 of the Electricity Act 1947.</p>
1981 c. 67.	The Acquisition of Land Act 1981.	In paragraph 1 of Schedule 4, the entry relating to the Electricity (Supply) Act 1919.

PART II

NUCLEAR INSTALLATIONS

Chapter	Short title	Extent of repeal
2 & 3 Eliz. 2. c. 32.	The Atomic Energy Authority Act 1954.	Section 5(3).
1965 c. 57.	The Nuclear Installations Act 1965.	In section 17(3)(b)(ii), the words “not being less than £2,100,000”.
1969 c. 18.	The Nuclear Installations Act 1969.	Section 2.

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 1983.