

2005 No. 884

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

**The Energy Act 2004 (Designation of Companies and
Designated Date) Order 2005**

Made - - - -

22nd March 2005

The Secretary of State, in exercise of the powers conferred upon her by sections 45 and 46 and Schedule 7 and Schedule 8(a) to the Energy Act 2004(b) hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Energy Act 2004 (Designation of Companies and Designated Date) Order 2005 and it shall come into force at one minute past midnight on 1 April 2005.

(2) In this Order “the Act” means the Energy Act 2004;

Designations of companies

2.—(1) For the purposes of Schedule 7 and Part 5 of Schedule 8 to the Act, each company listed in Schedule 1 is a designated BNFL company (c).

(2) For the purposes of Schedule 7 to the Act only, each company listed in Schedule 2 is also a designated BNFL company.

Designated date

3. For the purposes of Part 4 of Schedule 8 to the Act, the designated date is 1 April 2005.

22nd March 2005

Mike O'Brien
Minister of State for Energy and E-Commerce,
Department of Trade and Industry

(a) Paragraph 13(8) of Schedule 8 refers to Schedule 7 which provides that a company is designated by an order made by the Secretary of State.

(b) 2004 c. 20

(c) “designated BNFL company” is defined in paragraph 1 of Schedule 7 of the Act.

SCHEDULE 1

BNFL Companies designated for the purposes of Schedule 7 and Part 5 of Schedule 8 of the Energy Act 2004

Name	Company Number
PRECIS (2404) to be renamed as British Nuclear Fuels plc	5027024
British Nuclear Group Limited	5245506
Nexia Solutions Limited	3857752
International Nuclear Fuels Limited	1144352
Westinghouse Electric UK Limited	2458109
Magnox Electric plc	2264251
British Nuclear Group Project Services Limited	5339062
Energy Sales and Trading Limited	3857761
Deva Manufacturing Services Limited	2763400
BIL Solutions Limited	2888907
Springfields Fuels Limited	3857770
Uranium Asset Management Limited	3162046
Direct Rail Services Limited	3020822

SCHEDULE 2

BNFL Companies designated for the purposes of Schedule 7 only

Name
Westinghouse Electric Company LLC
Westinghouse Electric (Sweden) AB

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates companies which are publicly controlled companies to which either securities of the Nuclear Fuels Company (within the meaning of the Atomic Energy Authority Act 1971(a)) (“BNFL”) or property or rights or liabilities of BNFL or a wholly owned subsidiary of BNFL have been transferred.

The designation of these companies is for several purposes. Schedule 7 to the Energy Act 2004 makes provision about the finances and accounts of certain companies to which property, rights or liabilities are transferred, whether in accordance with a nuclear transfer scheme or otherwise. A nuclear transfer scheme is a scheme providing for one or more transfers authorised by Chapter 2 of Part 1 of the Energy Act 2004. Paragraph 2 of Schedule 7 to the Energy Act 2004 gives the Secretary of State power (subject to paragraphs 5 and 6) to make loans to designated BNFL companies; paragraph 3 of Schedule 7 applies section 1 of the Nuclear Industry (Finance) Act 1977 (c.7) to designated BNFL companies, thereby giving power to the Secretary of State to give guarantees in respect of the liabilities of such companies (subject to the limits of that Act, as modified by paragraph 5 of Schedule 7 to the Energy Act 2004).

Paragraph 5 of Schedule 7 extends the provisions of the Nuclear Industry (Finance) Act 1977 concerning guarantees to BNFL, and limits on possible government financial commitments to that company to cover designated BNFL companies.

Paragraph 6 of Schedule 7 sets out borrowing limits on transferee companies that have had property, rights or liabilities transferred to them in accordance with a nuclear transfer scheme, but are not designated BNFL companies. Designation for the purposes of the Schedule therefore excludes transferee companies from paragraph 5 and brings them within paragraph 6.

The remaining provisions of Schedule 7, which relate to temporary restrictions on borrowing of transferee companies and statutory accounts of transferee companies, and require Crown owned transferee companies to lay their accounts before Parliament, apply irrespective of whether or not the companies in question are designated BNFL companies.

The Order also designates companies for the purposes of Schedule 8, which concerns pensions. The United Kingdom Atomic Energy Authority (“UKAEA”) Pension Scheme was set up under paragraph 7(2) of the Atomic Energy Act 1954(b). The designation of these companies is to enable the Secretary of State to give a direction to the UKAEA to modify its pension scheme in respect the participation of employees and directors and other officers (who are not employees) of these companies, whilst companies are still publicly controlled.

For the purposes of Part 4 of Schedule 8 of the Energy Act 2004, a person is entitled to pension protection if he is a public sector employee immediately before a date designated by the Secretary of State by Order. This Order designates that date as 1 April 2005.

(a) 1971 c.11
(b) 1954 c. 32

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£3.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0639 3/2005 150639T 19585

ISBN 0-11-072657-X



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