



# Energy Act 2004

## 2004 CHAPTER 20

### PART 1

#### THE CIVIL NUCLEAR INDUSTRY

### CHAPTER 1

#### NUCLEAR DECOMMISSIONING

##### *Financial provisions*

## **30 Disregard for tax purposes of provisions recognised by NDA**

- (1) This section applies where—
- (a) by virtue of a direction under section 3 the NDA acquires the responsibility for securing the cleaning-up of a site falling within subsection (2), or the decommissioning of an installation or facility in or on such a site;
  - [<sup>F1</sup>(b) that responsibility—
    - (i) includes the financial responsibility under section 21, or
    - (ii) would do so but for the fact that the amount of the financial responsibility is for the time being subject to a limit imposed by a capping agreement;]
  - (c) <sup>F2</sup>... the NDA recognises in its accounts, in accordance with generally accepted accounting practice, a relevant provision that relates to that responsibility [<sup>F3</sup>; and
  - (d) the provision is recognised—
    - (i) in order to reflect the coming into force of the direction mentioned in paragraph (a), or
    - (ii) in consequence of the variation or removal of a limit on the NDA's financial responsibility under section 21 imposed by a capping agreement. ]

---

*Changes to legislation: Energy Act 2004, Section 30 is up to date with all changes known to be in force on or before 17 April 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) View outstanding changes*

---

- (2) A site falls within this subsection if—
- (a) at the time the direction mentioned in subsection (1)(a) comes into force there is a nuclear site licence in force in relation to the site; and
  - (b) the holder of that licence at that time is a BNFL company that is publicly owned.

[<sup>F4</sup>(3) In computing the profits, gains or losses of the NDA for the purposes of corporation tax, no amount shall be brought into account in connection with—

- (a) the recognition made in the accounts of the NDA of—
  - (i) the relevant provision, or
  - (ii) an asset that, in accordance with generally accepted accounting practice, is recognised in order to reflect a limit on the NDA 's financial responsibility under section 21 imposed by a capping agreement;
- (b) any adjustment made in those accounts (including the removal from the accounts of an asset falling within paragraph (a)(ii)) in consequence of a variation or removal of the limit mentioned in paragraph (a)(ii).]

(4) But subsection (3) shall not affect the amount (if any) to be brought into account in computing the profits, gains or losses of the NDA in connection with [<sup>F5</sup>an adjustment not falling within paragraph (b) of that subsection].

(5) In this section—

“BNFL company” means BNFL or a wholly-owned subsidiary of BNFL;

[<sup>F6</sup>“capping agreement” has the same meaning as in section 29;]

“relevant provision” means [<sup>F7</sup>any amount retained as reasonably necessary for the purposes of providing for any liability or loss which is either likely to be incurred, or certain to be incurred but uncertain as to amount or as to the date on which it will arise].

(6) This section is to be construed as one with the Corporation Tax Acts.

#### Textual Amendments

- F1** S. 30(1)(b) substituted (with effect in accordance with s. 100(6) of the amending Act) by [Finance Act 2006 \(c. 25\), s. 100\(2\)\(a\)](#)
- F2** Words in s. 30(1)(c) repealed (with effect in accordance with s. 100(6) of the amending Act) by [Finance Act 2006 \(c. 25\), s. 100\(2\)\(b\)](#), [Sch. 26 Pt. 3\(18\)](#)
- F3** S. 30(1)(d) and preceding word inserted (with effect in accordance with s. 100(6) of the amending Act) by [Finance Act 2006 \(c. 25\), s. 100\(2\)\(c\)](#)
- F4** S. 30(3) substituted (with effect in accordance with s. 100(6) of the amending Act) by [Finance Act 2006 \(c. 25\), s. 100\(3\)](#)
- F5** Words in s. 30(4) substituted (with effect in accordance with s. 100(6) of the amending Act) by [Finance Act 2006 \(c. 25\), s. 100\(4\)](#)
- F6** Words in s. 30(5) inserted (with effect in accordance with s. 100(6) of the amending Act) by [Finance Act 2006 \(c. 25\), s. 100\(5\)](#)
- F7** Words in s. 30(5) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\)](#), [Sch. 1 para. 227](#) (with arts. 6, 11, 12)

#### Commencement Information

- I1** S. 30 in force at 5.10.2004 by [S.I. 2004/2575, art. 2\(1\)](#), [Sch. 1](#)

**Changes to legislation:**

Energy Act 2004, Section 30 is up to date with all changes known to be in force on or before 17 April 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)