



Nuclear Energy (Financing) Act 2022

2022 CHAPTER 15

PART 1

NUCLEAR ENERGY GENERATION PROJECTS: REGULATED ASSET BASE MODEL

Licence modifications

10 Decisions relating to allowed revenue of relevant licensee nuclear company: appeals to CMA

- (1) This section applies where a relevant licensee nuclear company's electricity generation licence contains provision referred to in [section 6\(5\)\(g\)](#) (provision enabling company to refer decisions of the Authority to the CMA).
- (2) Sections 11C to 11H of, and Schedule 5A to, the Electricity Act 1989 (appeal to the CMA against a decision by the Authority) apply in relation to a decision falling within [subsection \(3\)](#) below as they apply in relation to a decision mentioned in section 11C(1) of that Act.
- (3) A decision falls within [this subsection](#) if—
 - (a) the decision is made by the Authority in the exercise of its functions relating to the regulation of a relevant licensee nuclear company,
 - (b) in the CMA's opinion, the decision relates to the allowed revenue of the company, and
 - (c) but for this section, the company could not under section 11C of the Electricity Act 1989 bring an appeal against the decision.
- (4) In the application of the provisions of the Electricity Act 1989 mentioned in [subsection \(2\)](#)—
 - (a) section 11C has effect as if for subsection (2) there were substituted—

“(2) An appeal may be brought under this section only by a relevant licensee nuclear company (within the meaning of [Part 1](#) of the Nuclear Energy (Financing) Act 2022).”;

Status: This is the original version (as it was originally enacted).

- (b) section 11E (4) (d) is to be ignored;
- (c) sections 11F and 11G apply to a decision falling within [subsection \(3\)](#) as they apply to a price control decision as defined by section 11F(7);
- (d) paragraph 1 of Schedule 5A has effect as if for sub-paragraph (3) there were substituted—
 - “(3) Any application for permission to appeal is not to be made after the end of 20 working days beginning with the first working day after the day on which the Authority notifies its decision to the relevant licensee nuclear company.”;
- (e) paragraph 2 of Schedule 5A has effect as if, in sub-paragraph (2)(c), for the words from the beginning to “(as the case may be)” there were substituted “the relevant licensee nuclear company”.