



# Energy Act 2004

## 2004 CHAPTER 20

### PART 1

#### THE CIVIL NUCLEAR INDUSTRY

### CHAPTER 2

#### TRANSFERS RELATING TO NUCLEAR UNDERTAKINGS

##### *Supplementary provisions of Chapter 2 of Part 1*

#### **49 Duty to assist the Secretary of State**

- (1) This section applies where the Secretary of State proposes to make a nuclear transfer scheme.
- (2) The transferor shall have the duty, within such period as the Secretary of State may allow—
  - (a) to provide the Secretary of State, and
  - (b) to secure, so far as practicable, that its subsidiaries provide the Secretary of State,with all such information and other assistance as the Secretary of State may require for the purposes of, or in connection with, the making of the scheme.
- (3) The duties of the transferor under this section are duties owed to the Secretary of State.
- (4) Those duties are to be enforceable by the Secretary of State in civil proceedings—
  - (a) for an injunction;
  - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988 (c. 36); or
  - (c) for any other appropriate remedy or relief.

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*Changes to legislation: Energy Act 2004, Cross Heading: Supplementary provisions of Chapter 2 of Part 1 is up to date with all changes known to be in force on or before 21 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*

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- (5) In this section “the transferor”, in relation to a nuclear transfer scheme, means a person from whom it is proposed that property, rights or liabilities are transferred by the scheme.

**Commencement Information**

**I1** S. 49 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), Sch. 1

**50 Interpretation of Chapter 2 of Part 1**

- (1) In this Chapter —  
     “nuclear company” means a body corporate with control of a designated installation, designated site or designated facility;  
     “publicly controlled” is to be construed in accordance with subsection (3).
- (2) Expressions used in this Chapter and in Chapter 1 of this Part have the same meanings in this Chapter as in that Chapter.
- (3) For the purposes of this Chapter a body corporate is a publicly controlled company if it is a company limited by shares that is either publicly owned or is otherwise a company in which—  
     (a) a person specified in subsection (4) holds a majority of the voting rights; or  
     (b) two or more persons so specified, taken together, hold a majority of the voting rights.
- (4) The persons mentioned in subsection (3) are—  
     (a) the Treasury;  
     (b) a Minister of the Crown;  
     (c) the NDA;  
     (d) the UKAEA;  
     (e) a publicly owned company; or  
     (f) a nominee of a person falling within paragraphs (a) to (e).
- (5) In this section “company” [<sup>F1</sup>means a company as defined in section 1(1) of the Companies Act 2006].

**Textual Amendments**

**F1** Words in s. 50(5) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), Sch. 1 para. 220(3) (with art. 10)

**Commencement Information**

**I2** S. 50 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), Sch. 1

**Changes to legislation:**

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**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\(2\)\(b\)](#)