
Changes to legislation: Energy Act 2004, Paragraph 1 is up to date with all changes known to be in force on or before 19 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

SCHEDULES

SCHEDULE 1

THE NUCLEAR DECOMMISSIONING AUTHORITY

PART 1

MEMBERS AND STAFF OF NDA

Tenure of office by non-executive members

- 1 (1) Subject to what follows, the chairman and each of the other non-executive members is to hold and vacate office in accordance with the terms of his appointment.
- (2) Each appointment must state the period for which it is made.
- (3) That period must not exceed five years; but a person is eligible for re-appointment (on any number of occasions) from the end of a term of office.
- (4) A non-executive member is not eligible to hold office as chief executive or otherwise to be a member of the staff of the NDA.
- (5) A non-executive member may at any time resign his office as the chairman or as a member of the NDA (or both) by giving notice of his resignation to the Secretary of State.
- (6) If the Secretary of State is satisfied that sub-paragraph (7) applies to the chairman or another non-executive member, the Secretary of State may, by giving him notice to that effect, remove him from office.
- (7) This sub-paragraph applies to a person if—
- (a) he is an undischarged bankrupt or has had his estate sequestrated without being discharged [^{F1}or a moratorium period under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986)];
 - (b) he is subject to a bankruptcy restrictions order or an interim bankruptcy restrictions order [^{F2}or a debt relief restrictions order or an interim debt relief restrictions order (under Schedule 4ZB of the Insolvency Act 1986)];
 - (c) he has made an arrangement with his creditors, or has entered into a trust deed for creditors, or has made a composition contract with his creditors;
 - (d) he has such a financial or other interest as is likely to affect prejudicially the carrying out by him of his functions as a member of the NDA;
 - (e) he is unfit for office by reason of misbehaviour; or
 - (f) he is otherwise incapable of carrying out, or unfit to carry out, the functions of his office.
- (8) Before exercising his power under sub-paragraph (6), the Secretary of State must consult the Scottish Ministers.

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(9) Oral notice is ineffective for the purposes of sub-paragraph (5) or (6).

Textual Amendments

- F1** Words in Sch. 1 para. 1(7)(a) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 50(2)(a)** (with art. 5)
- F2** Words in Sch. 1 para. 1(7)(b) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 50(2)(b)** (with arts. 5, 6)

Commencement Information

- I1** Sch. 1 para. 1 in force at 27.7.2004 by [S.I. 2004/1973](#), art. 2, **Sch.**

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