
Changes to legislation: Energy Act 2004, Cross Heading: Constitution of NDA for initial period is up to date with all changes known to be in force on or before 27 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

Constitution of NDA for initial period

- 4 (1) Until the end of the initial period the NDA is to consist of just those members who have been appointed.
- (2) As soon as practicable after his own appointment takes effect, the chairman must exercise the power to appoint a chief executive.
- (3) Appointments of members other than the chairman and chief executive may be made during the initial period only after the appointment of the chief executive has taken effect.
- (4) During the initial period the requirements of paragraph 9(1)—
- (a) do not apply to a decision to which the chairman is a party if it is made when the chairman is the only non-executive member; but
 - (b) are not to be capable of being satisfied in relation to a decision made at any other time unless at least two non-executive members are parties to the decision.
- (5) The chairman must ensure that proper records are kept of everything he does, while he is the only non-executive member, in the exercise or performance of powers or duties conferred or imposed on the non-executive members.
- (6) In this paragraph “the initial period” means the period which begins with the commencement of so much of this Act as provides for the establishment of the NDA and ends with whichever of the following first occurs—
- (a) the time when an appointment takes effect that brings the number of members of the NDA up to seven;
 - (b) the time specified as the end of the initial period in a notice given during that period by the Secretary of State to the NDA for the purposes of this paragraph.

Commencement Information

II Sch. 1 para. 4 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\(2\)\(b\)](#)