
Changes to legislation: Energy Act 2004, Part 2 is up to date with all changes known to be in force on or before 25 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 2

PROCEEDINGS OF NDA

Committees of the NDA and advisory committees

- 7 (1) The NDA may make such arrangements as it thinks fit—
- (a) for the carrying out of its functions by committees established by it; and
 - (b) for committees established by it to give it advice about matters relating to the carrying out of its functions.
- (2) The membership of every committee established by the NDA must include at least one person who is a member of the NDA.
- (3) Where the NDA—
- (a) establishes a committee for the purpose of giving it advice, and
 - (b) does not authorise it under paragraph 8 to do anything on the NDA's behalf,
- the membership of the committee may include persons (including persons constituting a majority of the committee) who are neither members of the NDA nor members of its staff.
- (4) In other cases every member of the committee must be either—
- (a) a member of the NDA; or
 - (b) a member of its staff.
- (5) Where a person who is neither a member of the NDA nor a member of its staff is a member of a committee, the NDA may pay to that person such remuneration and expenses as it determines.

Commencement Information

II [Sch. 1 para. 7](#) in force at 27.7.2004 by [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)

Delegation of functions

- 8 (1) Anything that is authorised or required by or under an enactment to be done by the NDA may be done on its behalf—
- (a) by a member of the NDA, or of its staff, who has been authorised by it for the purpose (whether generally or specifically); or
 - (b) by a committee established by the NDA which has been so authorised.

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- (2) The NDA must not make arrangements for the final decision on any of the following to be made by a committee or by a member of the NDA or of its staff—
- (a) the NDA’s strategy under section 11 or any modification of that strategy;
 - (b) its annual plan under section 13 or any modification of that plan;
 - (c) the arrangements for regulating the proceedings of the NDA;
 - (d) the further delegation of anything delegated to a committee or to a member of the NDA or of its staff.

Commencement Information

I2 Sch. 1 para. 8 in force at 27.7.2004 by S.I. 2004/1973, art. 2, Sch.

Quorums

- 9 (1) A decision of the NDA relating to a matter mentioned in sub-paragraph (2) is ineffective unless a majority of the members who—
- (a) were present at the meeting at which the decision was made, or
 - (b) otherwise had an opportunity of participating in the decision-making process,
- consisted of non-executive members.
- (2) Those matters are—
- (a) the NDA’s strategy under section 11 or any modification of that strategy;
 - (b) its annual plan under section 13 or any modification of that plan;
 - (c) the arrangements for regulating the proceedings of the NDA;
 - (d) the delegation of anything to a committee or to a member of the NDA or of its staff, or any further delegation.
- (3) A decision by the NDA for regulating its own proceedings may determine what, for the purposes of this paragraph, constitutes an opportunity of participating in the decision-making process.
- (4) A question for the purposes of this paragraph about whether a member—
- (a) was present at a meeting of the NDA, or
 - (b) satisfied the requirements that needed to be satisfied for him to be treated as having had an opportunity of participating in a decision,
- must be determined (if there are any) exclusively by reference to official minutes of the meeting or decision.
- (5) For this purpose the official minutes of a meeting or decision are those made in accordance with the arrangements made under paragraph 12.

Commencement Information

I3 Sch. 1 para. 9 in force at 27.7.2004 by S.I. 2004/1973, art. 2, Sch.

Proceedings of the NDA and of their committees etc.

- 10 (1) The NDA may make such other arrangements as it thinks fit—

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- (a) for regulating its own proceedings; and
 - (b) for regulating the proceedings of the committees it has established.
- (2) Arrangements under sub-paragraph (1) may include such arrangements (in addition to the provision made by paragraph 9) as the NDA thinks fit about quorums and the making of decisions by a majority.
- (3) The procedure for the carrying out of the separate functions which under this Act are conferred on the non-executive members must be in accordance with such arrangements as may be determined by a majority of the non-executive members.
- (4) The NDA must publish, in such manner as it considers appropriate, the arrangements made under this paragraph.

Commencement Information

I4 Sch. 1 para. 10 in force at 27.7.2004 by S.I. 2004/1973, art. 2, Sch.

Authentication of NDA's seal

- 11 (1) Authentication of the application of the NDA's seal is to be by the signature of—
- (a) the chairman or another member of the NDA; or
 - (b) any other person authorised by it for the purpose (whether generally or specifically).
- (2) A document purporting to be—
- (a) duly executed under the seal of the NDA, or
 - (b) signed on behalf of the NDA,
- may be received in evidence and, except so far as the contrary is shown, is to be taken to be duly so executed or signed.
- (3) This paragraph does not extend to Scotland.

Commencement Information

I5 Sch. 1 para. 11 in force at 27.7.2004 by S.I. 2004/1973, art. 2, Sch.

Records of proceedings

- 12 (1) The NDA must make arrangements for the keeping of proper records of each of the following—
- (a) its proceedings;
 - (b) proceedings of the committees established by it;
 - (c) proceedings at meetings of the non-executive members; and
 - (d) anything done by a member of the NDA or of its staff in reliance on a delegation under paragraph 8.
- (2) The references in paragraphs 8 and 9 to arrangements for regulating the proceedings of the NDA include references to arrangements made under this paragraph with respect to such proceedings.

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Commencement Information

16 Sch. 1 para. 12 in force at 27.7.2004 by S.I. 2004/1973, art. 2, Sch.

Validity of proceedings

- 13 (1) The validity of proceedings of the NDA, of the non-executive members or of a committee established by the NDA shall not be affected by—
- (a) a vacancy in the membership of the NDA or of such a committee;
 - (b) a defect in the appointment of the chairman, of any other non-executive member, of the chief executive or of any other executive member;
 - (c) a failure of the Secretary of State to comply with the requirements of section 2(9); or
 - (d) a failure to comply with arrangements made under paragraph 10.
- (2) Nothing in sub-paragraph (1) validates—
- (a) the proceedings of a meeting which would still be inquorate even if defects and failures mentioned within sub-paragraph (1)(b) or (c) had not occurred; or
 - (b) a decision which (apart from this paragraph) is ineffective by virtue of paragraph 9.

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Commencement Information

17 Sch. 1 para. 13 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\(2\)\(b\)](#)