
Changes to legislation: Energy Act 2004, Cross Heading: Consultation by NDA 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 3

PROCEDURAL REQUIREMENTS APPLICABLE TO NDA'S ANNUAL PLANS

Consultation by NDA

- 2 (1) Before preparing or revising a plan the NDA must consult—
- [^{F1}(za) the Office for Nuclear Regulation;]
 - (a) the Health and Safety Executive;
 - (b) the Environment Agency;
 - [^{F2}(ba) the Natural Resources Body for Wales;]
 - (c) the Scottish Environment Protection Agency;
 - (d) such persons with responsibilities in relation to nuclear security as have been nominated for the purposes of this sub-paragraph by the Secretary of State;
 - (e) every local authority whose area includes a designated installation, designated site or designated facility or a locality affected by activities at such an installation, site or facility;
 - (f) every person with control of such an installation, site or facility;
 - (g) the employees of every such person and the persons appearing to the NDA to represent them; and
 - (h) every body established—
 - (i) by the NDA, or
 - (ii) by a person with control of a designated installation, designated site or designated facility,for the purpose of consulting persons about activities carried on at, or in connection with, such an installation, site or facility.
- (2) In the case of a revision of a plan, the Secretary of State may allow the NDA to proceed without consulting one or more of the persons mentioned in sub-paragraph (1).
- (3) In preparing or revising a plan the NDA must have regard to—
- (a) every representation made to it by or on behalf of a person mentioned in sub-paragraph (1); and
 - (b) the representations made to it by members of the public.
- (4) In this paragraph references, in relation to the preparation or revision of a plan, to a designated installation, designated site or designated facility include references to an installation, site or facility designated by a direction which—
- (a) is not yet in force; but
 - (b) is to come into force during the year to which the plan relates.

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Textual Amendments

- F1** Sch. 3 para. 2(1)(za) inserted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 80(2)**; S.I. 2014/251, art. 4
- F2** Sch. 3 para. 2(1)(ba) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 428(2)** (with Sch. 7)
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Commencement Information

- I1** Sch. 3 para. 2 in force at 24.8.2004 by S.I. 2004/2184, art. 2(1), **Sch. 1**

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