

SCHEDULES

SCHEDULE 3

PROCEDURAL REQUIREMENTS APPLICABLE TO NDA'S ANNUAL PLANS

Approval of annual plan

- 3 (1) This paragraph applies where a draft of the NDA's plan for a financial year, or of a revision of such a plan, is submitted for approval—
- (a) to the Secretary of State; or
 - (b) to the Secretary of State and the Scottish Ministers.
- (2) The submission must be accompanied by a report by the NDA of the representations about the contents of its plan or revision that it received in the course of its preparation.
- (3) Before determining whether or not to approve anything relating to responsibilities mentioned in section 6(3), the Secretary of State must consult the Scottish Ministers.
- (4) The Secretary of State must also consult the Scottish Ministers before approving anything relating to proposals for the non-processing treatment, the storage or the disposal of hazardous materials if it appears to him that the proposals would have an effect (notwithstanding that they relate only to England and Wales)—
- (a) on the management of hazardous materials located in Scotland; or
 - (b) on the use of a site in England and Wales for the non-processing treatment, the storage or the disposal of hazardous materials that could be brought to that site from Scotland.
- (5) If—
- (a) the Secretary of State approves what has been submitted to him, and
 - (b) the Scottish Ministers approve it so far as it relates to responsibilities of the NDA falling within section 6(2),
- it takes effect, in relation to the financial year to which it relates, as an approved plan of the NDA.
- (6) If it is not so approved, the NDA must—
- (a) modify what was submitted; and
 - (b) re-submit it for approval to the Secretary of State and (if the case so requires) to the Scottish Ministers.
- (7) Where the NDA makes modifications of a plan for the purpose of resubmitting it, it must do so in accordance with any directions given to it—
- (a) in relation to any matter other than responsibilities of the NDA falling within section 6(2), by Secretary of State; or
 - (b) in relation to those responsibilities, by the Secretary of State and the Scottish Ministers, acting jointly.

Status: This is the original version (as it was originally enacted).

- (8) Before giving a direction under sub-paragraph (7), the Secretary of State or (as the case may be) the Secretary of State and the Scottish Ministers must consult —
- (a) the NDA;
 - (b) the Health and Safety Executive;
 - (c) the Environment Agency;
 - (d) the Scottish Environment Protection Agency; and
 - (e) 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.
- (9) In this paragraph “non-processing treatment” has the same meaning as in section 6.