



Energy Act 2004

2004 CHAPTER 20

PART 1

THE CIVIL NUCLEAR INDUSTRY

CHAPTER 1

NUCLEAR DECOMMISSIONING

Implementation of strategies and plans

17 Duty to use installations etc. for purposes of NDA

- (1) This section applies—
 - (a) in the case of every designated nuclear installation and every designated installation comprised in an NDA facility;
 - (b) in the case of every designated site which is a principal nuclear site; and
 - (c) in the case of every designated facility situated in or on a principal nuclear site.
- (2) The person with control of the installation, site or facility must secure that neither the installation, site or facility nor any interest or right in relation to it is used or disposed of except for purposes which—
 - (a) facilitate the discharge of the NDA's responsibilities in relation to designated installations, designated sites and designated facilities; and
 - (b) secure that there is no contravention, in relation to the discharge of those responsibilities, of any obligations imposed by or under any enactment on the person with control of the installation, site or facility.
- (3) Subsection (2) does not prevent the use or disposal of an installation, site or facility where the NDA has consented to that use or disposal.

Changes to legislation: *Energy Act 2004, Section 17 is up to date with all changes known to be in force on or before 26 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*

- (4) Where the NDA has an interest in the installation, site or facility, the person with control of it shall have the right, as against the NDA, to use it for the purposes authorised by subsection (2) and to put it to any use to which the NDA has consented.
- (5) Except—
- (a) where the NDA otherwise directs, or
 - (b) where the person with control of the installation, site or facility is, has been or will be subject to charges by the NDA in respect of the discharge of its responsibilities in relation to that installation, site or facility,
- that person must account for, and pay, to the NDA all sums and other benefits received by him in respect of the use or disposal by him of an interest or right in relation to the installation, site or facility.
- (6) A reference in this section to facilitating the discharge of the NDA's responsibilities in relation to an installation, site or facility includes a reference to doing anything which is required or authorised by or for the purposes of—
- (a) an agreement between the NDA and the person with control of the installation, site or facility; or
 - (b) an agreement between the NDA and a body corporate of which that person is a subsidiary.
- (7) Nothing in subsection (5) prohibits the inclusion in such an agreement of provision for sums and benefits mentioned in that subsection to be accounted for and paid to the NDA in a case falling within paragraph (b) of that subsection.
- (8) A reference in this section to an interest or right in relation to an installation or site includes a reference to any interest or right in relation to—
- (a) anything located in or on the installation or site;
 - (b) a facility operated from the installation or site;
 - (c) a process carried on in or on the installation or site; or
 - (d) information or documents relating to the installation or site or to anything mentioned in paragraphs (a) to (c).
- (9) References in this section to the disposal of an interest in a site include references to—
- (a) the granting of an estate or interest in the site, or of a licence to use it; or
 - (b) entering into an agreement to grant such an estate, interest or licence;
- and references to sums received in respect of such a disposal include references to sums that are paid periodically (by way of rent or otherwise) by a tenant or licensee or by a party to such an agreement.

Commencement Information

II S. 17 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), Sch. 1

Changes to legislation:

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