



Energy Act 2004

2004 CHAPTER 20

PART 1

THE CIVIL NUCLEAR INDUSTRY

CHAPTER 1

NUCLEAR DECOMMISSIONING

Implementation of strategies and plans

18 Directions by NDA to the person with control

- (1) This section applies in every case where one of the following is designated—
 - (a) a nuclear installation or an installation comprised in an NDA facility;
 - (b) a principal nuclear site; or
 - (c) a facility situated in or on a principal nuclear site.
- (2) It shall be the duty of the person with control of the installation, site or facility—
 - (a) to prepare such plans for the decommissioning or operation of the installation, for the cleaning-up or management of the site or for the operation of the facility as the NDA may direct;
 - (b) to prepare such plans for the cleaning-up of any related sites as the NDA may direct;
 - (c) to submit his plans to the NDA for approval;
 - (d) to comply with all such further directions falling within subsection (3) as the NDA may give him from time to time with respect to the installation, site or facility; and
 - (e) to comply with such directions as the NDA may give him for the purpose of securing or facilitating the discharge by the NDA of such of its responsibilities by virtue of section 3(1)(e) or 4(1), (2) or (4) or any direction under section 16(2) as—

Changes to legislation: Energy Act 2004, Section 18 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

- (i) were conferred on it by reference to the site, installation or facility; or
 - (ii) fall to be discharged in relation to it, or to anything in or on it.
- (3) The directions that may be given by the NDA are—
- (a) directions (in the case of an installation or site) requiring the carrying out, pending the preparation and approval of plans required by the NDA, of specified decommissioning or cleaning-up work in or on the installation or site or related sites;
 - (b) directions requiring the installation, site or facility to be operated or managed, pending the preparation and approval of such plans, in the specified manner;
 - (c) directions to modify in the specified manner, and to resubmit, a plan submitted to the NDA for approval, or approved by it, under this section;
 - (d) directions (in the case of an installation or site) requiring the carrying out, pending the preparation and approval of modifications of a plan, of specified decommissioning or cleaning-up work in or on the installation or site or related sites;
 - (e) directions requiring the implementation of a plan that the NDA has approved;
 - (f) directions requiring specified transactions to be entered into, and other specified steps to be taken, for the purposes of or in connection with the implementation of such a plan;
 - (g) directions requiring the provision to the NDA of all the information that it requires in order—
 - (i) to discharge its responsibilities in relation to the installation, site or facility and in relation to related sites; or
 - (ii) to enter into an agreement for the purpose of discharging those responsibilities.
- (4) It shall be the duty of the person holding the majority of the voting rights in a company with control of the installation, site or facility to comply with such directions as may be given to it by the NDA for the purpose of securing that the company with control of the installation, site or facility complies with its obligations under this section.
- (5) Directions must not be given by the NDA under this section except for the purpose—
- (a) of giving effect to its plan under section 13 for a particular financial year; or
 - (b) of otherwise giving effect to its strategy under section 11 or achieving the objectives set out in that strategy.
- (6) A person required to prepare plans for the purposes of this section must comply with the directions of the NDA as to—
- (a) the persons with whom, and
 - (b) the manner in which,
- he must consult before preparing the plans, or before submitting them to the NDA for approval.
- (7) A direction under this section cannot authorise a contravention in relation to an installation, site or facility of any obligation to which the person with control of it is subject by or under an enactment.
- (8) In this section “related site”, in relation to a designated installation, designated site or designated facility, means a site the designation of which specifies, in accordance with section 19, that it is to be treated, by reference to that installation, site or facility, as a related site for the purposes of this section.

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Commencement Information

II S. 18 in force at 5.10.2004 by [S.I. 2004/2575](#), 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\(2\)\(b\)](#)