



Energy Act 2004

2004 CHAPTER 20

PART 1

THE CIVIL NUCLEAR INDUSTRY

CHAPTER 1

NUCLEAR DECOMMISSIONING

Principal function of NDA

3 Designated responsibilities

- (1) The principal function of the NDA shall be to have responsibility for securing—
 - (a) the operation, pending the commencement of their decommissioning, of designated nuclear installations;
 - (b) the decommissioning of those and other designated nuclear installations;
 - (c) the cleaning-up of designated nuclear sites;
 - (d) the operation of designated facilities for treating, storing, transporting or disposing of hazardous material;
 - (e) the treatment, storage, transportation and disposal, in designated circumstances, of hazardous material; and
 - (f) the decommissioning of designated installations comprised in NDA facilities.
- (2) The responsibilities of the NDA under this section are responsibilities to be discharged by the performance of its duties under sections 15 and 16.
- (3) A designation for the purposes of this section—
 - (a) of an installation, site or facility, and
 - (b) of the circumstances in which the NDA is to have responsibility for securing the treatment, storage, transportation or disposal of matter or waste,

Changes to legislation: Energy Act 2004, Section 3 is up to date with all changes known to be in force on or before 20 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

has (subject to section 6) to be in the form of a direction given by the Secretary of State to the NDA.

- (4) A direction must not give the NDA a responsibility mentioned in this section in relation to an installation, site or facility unless the person with control of it at the time when the direction is given is—
 - (a) a Crown appointee;
 - (b) the UKAEA;
 - (c) a publicly owned company;
 - (d) the NDA itself; or
 - (e) a person who has consented to the giving of the direction.
- (5) A direction designating an installation, site or facility must specify the paragraph or paragraphs of subsection (1) for the purposes of which it is being designated.
- (6) But, except in so far as the direction containing the designation otherwise provides, the designation of a principal nuclear site for cleaning-up is to have effect for the purposes of this Chapter as including a designation, as an installation to be decommissioned, of every installation situated in or on that site.
- (7) The Secretary of State must—
 - (a) lay before Parliament a copy of every direction containing a designation;
 - (b) publish the contents of every such direction in the manner which, in his opinion, is most appropriate for bringing it to the attention of persons likely to be affected by it; and
 - (c) send a copy of every direction giving the NDA a responsibility in relation to an installation, site or facility to the person with control of that installation, site or facility.
- (8) The Scottish Ministers must lay before the Scottish Parliament a copy of every direction which by virtue of section 6 is given jointly by them and the Secretary of State.
- (9) The Secretary of State may exclude—
 - (a) from what he lays before Parliament and publishes under this section, and
 - (b) from what is to be laid before the Scottish Parliament by the Scottish Ministers,
 anything the publication of which he considers to be against the interests of national security.

Commencement Information

II S. 3 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\(2\)\(b\)](#)