



Energy Act 2004

2004 CHAPTER 20

PART 1

THE CIVIL NUCLEAR INDUSTRY

CHAPTER 1

NUCLEAR DECOMMISSIONING

Supplementary provisions of Chapter 1 of Part 1

37 General interpretation of Chapter 1 of Part 1

(1) In this Chapter—

“apparatus” includes machinery, equipment, appliances, tanks, containers, pipes and conduits;

“cleaning-up” and “decommissioning”, in relation to a site or installation, includes—

(a) the treatment, storage, transportation and disposal of hazardous material and of other matter and substances that need to be dealt with or removed in or towards making the site or installation suitable to be used for other purposes; and

(b) the construction of buildings and other structures to be used in connection with the cleaning-up or decommissioning of the site or installation;

“contaminated site” has the meaning given by section 36(2);

“control”, in relation to an installation, site or facility, is to be construed in accordance with section 36(3);

“Crown appointee”, in relation to an installation, site or facility, means—

(a) a Minister of the Crown; or

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(b) a person for the time being holding an appointment under section 36(3) (b) as the person with control of it;

“designated”, in relation to an installation, site or facility, is to be construed in accordance with subsection (2);

“facility” includes a business or other undertaking and installations, vehicles or other property comprised in or used for the purposes of a business or other undertaking;

“hazardous material” means—

- (a) nuclear matter;
- (b) radioactive waste; and
- (c) any other article or substance that has been and remains contaminated (whether radioactively or chemically) as a result (within the meaning of section 36) of nuclear activities;

“installation” includes buildings, structures and apparatus (whether or not fixed to land);

“NDA facility” means a facility which—

- (a) is being or has been used for or in connection with the storage, disposal or treatment of hazardous material; and
- (b) is a facility for the operation of which the NDA has or has had a responsibility;

“nuclear installation” means—

- (a) an installation which is situated in or on a principal nuclear site but is not comprised in an NDA facility;
- (b) pipes, conduits and other apparatus which are not situated in or on a principal nuclear site but are connected to an installation falling within paragraph (a);

“nuclear security” has the meaning given by section 9(9);

“nuclear site” has the meaning given by section 36(1);

“principal nuclear site” has the meaning given by section 36(2);

“publicly owned”, in relation to a company, is to be construed in accordance with subsection (3);

“site” includes—

- (a) land within the United Kingdom;
- (b) an area of territorial waters adjacent to the United Kingdom;
- (c) the seabed and subsoil in any such area;

“treat”, in relation to any matter or substance, includes processing and reprocessing (including any use as a material in a process for the manufacture of nuclear fuel), and cognate expressions are to be construed accordingly;

“vehicle” includes vessel;

“voting rights” is to be construed in accordance with subsection (5).

- (2) An installation, site or facility is designated for the purposes of this Chapter if—
 - (a) it is designated by a direction under section 3; or
 - (b) the NDA otherwise has responsibilities in relation to it by virtue of such a direction.
- (3) For the purposes of this Chapter a body corporate is a publicly owned company if it is a company limited by shares and that company is one in which—
 - (a) a person specified in subsection (4) holds all the shares; or

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- (b) two or more persons so specified, taken together, hold all the shares.
- (4) The persons mentioned in subsection (3) are—
- (a) the Treasury;
 - (b) a Minister of the Crown;
 - (c) the NDA;
 - (d) the UKAEA;
 - (e) a publicly owned company; or
 - (f) a nominee of a person falling within paragraphs (a) to (e).
- (5) Section 736A of the Companies Act 1985 (c. 6) (meaning of “voting rights” etc.) applies for construing references in this Chapter to holding voting rights in a company as it applies for construing section 736(1)(a) of that Act.
- (6) Sections 17 to 20 bind the Crown.
- (7) In this section—
- “company” has the same meaning as in the Companies Act 1985;
 - “nuclear matter” means material which—
 - (a) is nuclear matter within the meaning of the 1965 Act; or
 - (b) would be such matter if it did not fall within an exception prescribed by regulations under that Act;
 - “radioactive waste” has the same meaning as in the 1993 Act.