



Energy Act 2008

2008 CHAPTER 32

PART 3

DECOMMISSIONING OF ENERGY INSTALLATIONS

CHAPTER 1

NUCLEAR SITES: DECOMMISSIONING AND CLEAN-UP

Enforcement

58 Secretary of State's power of direction

- (1) This section applies where—
- (a) a person fails to comply with an obligation imposed on the person by an approved funded decommissioning programme, or
 - (b) a person on whom obligations are imposed by such a programme has engaged in unlawful conduct which the Secretary of State thinks may affect the programme.
- (2) In this section—
- “the defaulter” means a person to whom subsection (1)(a) or (b) applies, and
 - “unlawful conduct” means conduct which is unlawful under the criminal law of a part of the United Kingdom.
- (3) A person has engaged in unlawful conduct for the purposes of subsection (1) if—
- (a) the person has been found guilty of the unlawful conduct by a court in a part of the United Kingdom,
 - (b) the period for an appeal against the conviction has expired, and
 - (c) if an appeal has been made, it has been withdrawn or finally determined.

Status: This is the original version (as it was originally enacted).

- (4) The Secretary of State may direct the defaulter to take steps which the Secretary of State considers necessary or appropriate to comply with the obligation or remedy the effects of the unlawful conduct.
- (5) Before giving a direction under subsection (4), the Secretary of State must consult each interested body (within the meaning of section 46(6)) in so far as the direction relates to a function conferred on the interested body by or under an enactment.
- (6) If at any time it appears to the Secretary of State that the defaulter has failed to comply with a direction under subsection (4), the Secretary of State may make an application to the High Court under this section.
- (7) If, on an application under this section, the High Court decides that the defaulter has failed to comply with the direction, it may order the defaulter to take such steps as it directs for securing that the direction is complied with.