

Status: Point in time view as at 01/04/2014.

Changes to legislation: Energy Act 2004, Paragraph 5 is up to date with all changes known to be in force on or before 19 July 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)

SCHEDULES

SCHEDULE 2

PROCEDURAL REQUIREMENTS APPLICABLE TO NDA'S STRATEGY

Approval of strategy

- 5 (1) This paragraph applies where—
- (a) anything is submitted for approval under this Schedule; or
 - (b) the NDA's current strategy is submitted for the renewal of the strategy's approval.
- (2) The submission must be accompanied by a report by the NDA of the representations about the contents of its strategy, or of any revision of it, that it received in the course of the preparation of the strategy, or in connection with its proposal to revise it or to have the approval of the strategy renewed.
- (3) Before determining whether or not to approve anything relating to responsibilities mentioned in section 6(3), the Secretary of State must consult the Scottish Ministers.
- (4) The Secretary of State must also consult the Scottish Ministers before approving anything relating to proposals for the non-processing treatment, the storage or the disposal of hazardous materials if it appears to him that the proposals would have an effect (notwithstanding that they relate only to England and Wales)—
- (a) on the management of hazardous materials located in Scotland; or
 - (b) on the use of a site in England and Wales for the non-processing treatment, the storage or the disposal of hazardous materials that could be brought to that site from Scotland.
- (5) If—
- (a) the Secretary of State approves a strategy or revised strategy submitted to him under this Schedule, and
 - (b) the Scottish Ministers approve it so far as it relates to responsibilities of the NDA falling within section 6(2),
- it takes effect as the approved strategy of the NDA from the time of the giving of the approval.
- (6) If it is not so approved, the NDA must—
- (a) modify what was submitted; and
 - (b) re-submit it for approval to the Secretary of State and (if the case so requires) to the Scottish Ministers.
- (7) In preparing a modified strategy or revision for re-submission, the NDA must comply with every direction given to it with respect to any of the following matters—
- (a) the NDA's objectives for a particular installation or site or for installations or sites of a particular description;

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- (b) the NDA's strategy with respect to the operation of any particular installation or facility;
 - (c) the period over which decommissioning or cleaning-up work is to be carried out in the case of a particular installation or site or in the case of installations or sites of a particular description;
 - (d) the amounts to be defrayed by the NDA in a particular period in respect of expenditure on decommissioning or cleaning-up work in the case of a particular installation or site or in the case of installations or sites of a particular description.
- (8) The persons by whom directions may be given under sub-paragraph (7) are—
- (a) in the case of directions given by virtue of paragraph (a) or (b) of that sub-paragraph in relation to responsibilities of the NDA falling within section 6(2), the Secretary of State and the Scottish Ministers, acting jointly; and
 - (b) in any other case, the Secretary of State.
- (9) Before giving a direction under sub-paragraph (7), the Secretary of State and the Scottish Ministers or (as the case may be) the Secretary of State must consult—
- (a) the NDA;
 - [^{F1}(aa) the Office for Nuclear Regulation;]
 - (b) the Health and Safety Executive;
 - (c) the Environment Agency;
 - [^{F2}(ca) the Natural Resources Body for Wales;]
 - (d) the Scottish Environment Protection Agency; and
 - (e) such persons with responsibilities in relation to nuclear security as have been nominated for the purposes of this sub-paragraph by the Secretary of State.
- (10) Nothing in this paragraph with respect to the giving of directions restricts—
- (a) the grounds on which, or
 - (b) the circumstances in which,
- the Secretary of State or the Scottish Ministers may refuse approval without giving a direction.
- (11) In this paragraph “non-processing treatment” has the same meaning as in section 6.

Textual Amendments

- F1** Sch. 2 para. 5(9)(aa) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 79\(3\); S.I. 2014/251, art. 4](#)
- F2** Sch. 2 para. 5(9)(ca) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 427\(3\) \(with Sch. 7\)](#)

Commencement Information

- I1** Sch. 2 para. 5 in force at 31.3.2005 by [S.I. 2005/442, art. 2\(2\), Sch. 2](#)

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