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*Changes to legislation: Energy Act 2004, Paragraph 4 is up to date with all changes known to be in force on or before 30 June 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*

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## SCHEDULES

### SCHEDULE 5

#### SUPPLEMENTARY PROVISIONS ABOUT NUCLEAR TRANSFER SCHEMES

##### *Obligation to effect transfers etc. under a nuclear transfer scheme*

- 4 (1) A nuclear transfer scheme may contain provision for imposing on a transferee or transferor an obligation—
- (a) to enter into such agreements with another person on whom a corresponding obligation is, or could be or has been, imposed by virtue of this paragraph (whether in the same or a different scheme), or
  - (b) to execute such instruments in favour of any such person, as may be specified or described in the scheme.
- (2) Subject to sub-paragraphs (3) and (4) of this paragraph, paragraph 2 does not enable—
- (a) an agreement or instrument entered into or executed in accordance with an obligation imposed by a nuclear transfer scheme, or
  - (b) anything done under such an agreement or instrument, to give effect to a transfer, or to create an interest or right, which could not have been made or created by or under that agreement or instrument apart from that paragraph.
- (3) A nuclear transfer scheme may provide for—
- (a) transfers made by or under an agreement or instrument entered into or executed in accordance with an obligation imposed in a nuclear transfer scheme, or
  - (b) interests or rights created by or under such an agreement or instrument, to include, to the extent specified in the scheme, a transfer, interest or right that may be made or created by virtue of paragraph 2(2).
- (4) A nuclear transfer scheme may provide for paragraph 2(4) and (5) to apply to interests or rights affected by—
- (a) the provisions of an agreement or instrument which is to be entered into or executed in accordance with the scheme; or
  - (b) a proposal for such an agreement or for the execution of such an instrument.
- (5) Where paragraph 2(4) and (5) does apply to interests or rights so affected, it shall apply as if references to the nuclear transfer scheme included references to the agreement or instrument in question.
- (6) An obligation imposed on a person by virtue of sub-paragraph (1) shall be enforceable by the relevant person in civil proceedings—
- (a) for an injunction;
  - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988 (c. 36); or

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(c) for any other appropriate remedy or relief.

(7) The relevant person for the purposes of sub-paragraph (6) is the person with, or in favour of whom, the agreement or instrument is to be entered into or executed.

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**Commencement Information**

**II** Sch. 5 para. 4 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. 88(1)(a) words substituted by [S.I. 2024/706 reg. 7\(a\)](#)
- 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\(2\)\(b\)](#)