



# Energy Act 2004

## 2004 CHAPTER 20

### PART 1

#### THE CIVIL NUCLEAR INDUSTRY

### CHAPTER 1

#### NUCLEAR DECOMMISSIONING

##### *Supplementary provisions of Chapter 1 of Part 1*

### **36 Meaning of “nuclear site” etc. and “person with control”**

(1) In this Chapter “nuclear site” means a principal nuclear site or a contaminated site.

(2) In this Chapter—

“contaminated site” means the whole or a part of a site which is not a principal nuclear site but—

- (a) has been and remains contaminated (whether radioactively or chemically) as a result of nuclear activities; or
- (b) is the location of hazardous material;

“principal nuclear site” means the whole or a part of a site of any of the following descriptions—

- (a) a site in respect of which a nuclear site licence is or is required to be in force;
- (b) a site in respect of which such a licence would be required to be in force if the licensing requirements of the 1965 Act applied to the Crown;
- (c) a site not falling within paragraph (a) or (b) in or on which there is an NDA facility;
- (d) a site on which there is an installation used for practical research into the production of energy by the fusion of atomic nuclei;

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- (e) a site which has been a site falling within paragraphs (a) to (d) but which, without being such a site, remains contaminated (whether radioactively or chemically) as a result of nuclear activities carried on while it was such a site or before it became one.
- (3) References in this Chapter to the person with control of an installation, site or facility are references—
- (a) in the case of—
    - (i) a site in relation to which a nuclear site licence is held by a person whose period of responsibility (within the meaning of the 1965 Act) is still current, or
    - (ii) a nuclear installation in or on such a site,
 to that person;
  - (b) in the case of an installation or site which—
    - (i) is an installation in or on a site occupied by or on behalf of the Crown or is itself such a site, and
    - (ii) is an installation or site in the case of which there is a person appointed by an order made by the Secretary of State to be the person with control,
 to that person;
  - (c) in the case of a facility which—
    - (i) is not an installation to which paragraph (a) or (b) applies; but
    - (ii) is operated on a single site to which one of those paragraphs does apply,
 to the person with control of the site;
  - (d) in the case of an installation or facility which—
    - (i) is not an installation or facility to which paragraph (a), (b) or (c) applies; but
    - (ii) is operated on a single site by a person who (without being the owner of the site) is in occupation of it,
 to the occupier of the site;
  - (e) in the case of a facility which is operated otherwise than on a single site, to the operator of the facility;
  - (f) in the case of anything in or under the territorial sea adjacent to the United Kingdom, to the Secretary of State;
  - (g) in the case of a site to which none of the preceding paragraphs applies, to the owner of the site;
  - (h) in the case of an installation or facility to which none of those paragraphs applies, to the occupier of the site where the installation or facility is located.
- (4) An order for the purposes of subsection (3)(b) is subject to the negative resolution procedure.
- (5) For the purposes of this section something is contaminated as a result of nuclear activities if the contamination (whenever occurring), or any of it, is the direct or indirect result of one or more of the following—
- (a) activities carried on in or on an installation, site or facility which was at the time, or subsequently became, a nuclear installation, a principal nuclear site or an NDA facility;

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- (b) the storage or disposal of any matter or substance in or on an installation, site or facility which was at the time, or subsequently became, a nuclear installation, a principal nuclear site or an NDA facility;
- (c) an incident occurring in or on an installation, site or facility which was at the time, or subsequently became, a nuclear installation, a principal nuclear site or an NDA facility;
- (d) the discharge of anything from an installation, site or facility which was at the time, or subsequently became, a nuclear installation, a principal nuclear site or an NDA facility;
- (e) the transportation of hazardous material to or from a principal nuclear site or an installation or facility in or on such a site;
- (f) an incident affecting hazardous material being transported to or from a principal nuclear site or an installation or facility in or on such a site.