



# Energy Act 2008

## 2008 CHAPTER 32

### PART 3

#### DECOMMISSIONING OF ENERGY INSTALLATIONS

#### CHAPTER 1

##### NUCLEAR SITES: DECOMMISSIONING AND CLEAN-UP

##### *Modification of approved programmes*

#### **49 Procedure for modifying approved programme**

- (1) This section applies in relation to a proposal for the modification of an approved funded decommissioning programme, or of the conditions, under section 48 (but is subject to regulations under section 50).
- (2) The proposal must be made by notice in writing given—
  - (a) if the proposal is made by the Secretary of State, to the site operator, and
  - (b) in any other case, to the Secretary of State.
- (3) Where a proposal is made,<sup>[F1]</sup> or advice is sought from the Secretary of State about the making of a proposal, <sup>[F2]</sup> the site operator must pay to the Secretary of State such fee as may be determined in accordance with regulations under section 54, in respect of the costs mentioned in subsection (4), at a time determined in accordance with such regulations.
- (4) The costs are those incurred by the Secretary of State in relation to the consideration of the proposal<sup>[F2]</sup> (or the making of a proposal) <sup>[F3]</sup>, including, in particular, the costs of obtaining advice in relation to—
  - (a) the proposal, or
  - (b) information required in relation to the proposal in accordance with section 52(4).

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*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2008, Section 49. (See end of Document for details)*

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- (5) Where the Secretary of State makes the proposal, the following persons must be given the opportunity to make written representations about the proposal—
- (a) the site operator;
  - (b) any other person with obligations under the programme;
  - (c) any person who would have such obligations if the proposed modification were made.
- (6) The Secretary of State must—
- (a) decide whether the proposed modification is to be made, and
  - (b) give notice of the decision, and the reasons for it, to every person who has obligations under the approved funded decommissioning programme, and
  - (c) if the decision is to make the modification, give such notice to any other person who will have such obligations by reason of the modification.
- (7) The Secretary of State's power under subsection (6)(a) must be exercised with the aim of securing that prudent provision is made for the technical matters (including the financing of the designated technical matters).
- (8) Before deciding whether the proposed modification is to be made, the Secretary of State must consult each interested body (within the meaning of section 46(6)) in so far as the modification relates to a function conferred on the interested body by or under an enactment.

#### Textual Amendments

- F1** Words in [s. 49\(3\)](#) inserted (18.2.2014) by [Energy Act 2013 \(c. 32\)](#), [ss. 149\(4\)\(a\)](#), 156(2)
- F2** Words in [s. 49\(4\)](#) inserted (18.2.2014) by [Energy Act 2013 \(c. 32\)](#), [ss. 149\(4\)\(b\)](#), 156(2)

#### Modifications etc. (not altering text)

- C1** S. 49 excluded (4.3.2013) by [The Nuclear Decommissioning and Waste Handling \(Finance and Fees\) Regulations 2013 \(S.I. 2013/126\)](#), [regs. 1](#), [11](#)

#### Commencement Information

- I1** S. 49 in force at 6.4.2009 by [S.I. 2009/45](#), [art. 4\(b\)\(i\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2008, Section 49.