



Energy Act 2004

2004 CHAPTER 20

PART 1 **U.K.**

THE CIVIL NUCLEAR INDUSTRY

CHAPTER 1 **U.K.**

NUCLEAR DECOMMISSIONING

Other functions of NDA

7 Supplemental functions **U.K.**

- (1) In addition to its function under section 3, the NDA shall have the function, to the extent that it considers it appropriate to do so, of—
 - (a) carrying out research into matters relating to the decommissioning of nuclear installations, the cleaning-up of nuclear sites and the other activities in relation to which it has functions;
 - (b) promoting the carrying out of research by others into those matters;
 - (c) distributing information about those matters;
 - (d) educating and training persons about those matters;
 - (e) giving encouragement and other support to activities that benefit the social or economic life of communities living near designated installations, designated sites or designated facilities or that produce other environmental benefits for such communities.
- (2) The NDA shall also have the function, to the extent that it is required to do so by the Secretary of State, of acting on his behalf in relation to agreements to which he is a party and which relate to expenditure incurred, or to be incurred, by him or by others—
 - (a) on the decommissioning of nuclear installations;
 - (b) on the cleaning-up of nuclear sites; or
 - (c) on the treatment, storage, transportation or disposal of hazardous material.

Changes to legislation: Energy Act 2004, Cross Heading: Other functions of NDA is up to date with all changes known to be in force on or before 17 April 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

- (3) A requirement of the Secretary of State under subsection (2) may require the NDA to meet, in whole or part, the cost of discharging liabilities of his under the agreements in relation to which the NDA acts on his behalf.
- (4) The NDA's functions further include—
- (a) to the extent that it is required to do so by the Secretary of State, giving advice to the Secretary of State or to others (whether generally or in relation to a particular installation, site or facility, or particular hazardous material) about any of the things in which the NDA requires an expertise for the purpose of carrying out its functions;
 - (b) to the extent that it is required to do so by the Scottish Ministers, giving advice to them (whether generally or in relation to a particular installation, site or facility, or particular hazardous material) about any of those things (so far as they concern Scotland); and
 - (c) giving to the Secretary of State and the Scottish Ministers such further general advice about the things in which the NDA requires an expertise for the purpose of carrying out its functions as it considers appropriate.
- (5) The references in subsection (4) to the things in which the NDA requires an expertise for the purpose of carrying out its functions include, in particular—
- (a) the operation and decommissioning of nuclear installations;
 - (b) the cleaning-up of nuclear sites; and
 - (c) the treatment, storage, transportation and disposal of hazardous material.
- (6) It shall be the duty of the NDA to secure that the discharge of its responsibilities under section 3(1) is not adversely affected—
- (a) by the doing of anything mentioned in subsection (1); or
 - (b) by the carrying out of its functions by virtue of subsection (4)(c).
- (7) Where—
- (a) the NDA provides advice to the Scottish Ministers in pursuance of a requirement imposed by them under this section, and
 - (b) the requirement is not one imposed with the agreement of the Secretary of State,
- the NDA may charge for the provision of the advice.
- (8) The amount of the charge shall be such sum as may be—
- (a) agreed between the NDA and the Scottish Ministers; or
 - (b) in the absence of agreement, determined by the Secretary of State.

Commencement Information

II S. 7 in force at 5.10.2004 by S.I. 2004/2575, art. 2(1), Sch. 1

8 Special functions in relation to pensions etc. **U.K.**

- (1) The NDA shall have the function, to the extent that it considers it appropriate to do so, of—
- (a) establishing schemes for the payment of pensions, allowances or gratuities to or in respect of one or more different descriptions of relevant employees;

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- (b) maintaining such schemes (whether or not established by the NDA); and
 - (c) administering a scheme for the payment of compensation in respect of personal injuries or death caused to relevant employees or to others employed in the nuclear industry.
- (2) In this section “relevant employees” means—
- (a) employees of the UKAEA;
 - (b) persons the duties of whose employment with any other person relate (in whole or in part) to activities carried on for purposes connected with the carrying out by the NDA of any of its functions; or
 - (c) a person employed in the nuclear industry who is of such a description as may be designated for the purposes of this subsection by the Secretary of State.
- (3) Before making a designation for the purposes of subsection (2)(c), the Secretary of State must consult the NDA.

Commencement Information

I2 S. 8 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. 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\(2\)\(b\)](#)