

**ENERGY ACT 2004**

**DIRECTION TO THE NUCLEAR DECOMMISSIONING AUTHORITY (NDA) IN RESPECT OF THE  
MANAGEMENT OF CERTAIN HAZARDOUS MATERIAL**

**ENERGY ACT 2004**

**Direction to the NDA in respect of the management of certain hazardous material**

Presented to Parliament by the Secretary of State for Energy Security and Net Zero pursuant to section 3 of the Energy Act 2004

## INTRODUCTION AND SUMMARY

*This introduction and summary are not part of this Direction*

The Secretary of State has made this Direction under section 3 of the Energy Act 2004 (the “**2004 Act**”) for the purposes of implementing a programme for the management by the NDA of certain caesium chloride (CsCl) high-activity sealed radioactive sources contained within irradiators from the UK’s health and research sectors.

At the time this Direction was made, the Secretary of State and the NDA had a shared understanding of the scope of the programme and the nature of such radioactive sources that the NDA may come to manage under this Direction.

The Secretary of State will make further Directions under section 16 of the 2004 Act to identify the particular radioactive sources which the NDA is to have responsibility for securing the management of. The NDA’s responsibilities shall be postponed until the Secretary of State has made further Directions under section 16 in respect of specific radioactive sources.

Under the 2004 Act, where the NDA has been given a responsibility, it can secure that such a responsibility is carried out by others. It is expected that any radioactive sources which the NDA is given responsibility for securing the management of will be collected from their current locations by a Source Collection Agency and transported ultimately to Sellafield for treatment and storage (as appropriate) pending their disposal.

The Secretary of State notes that neither this Direction nor further Directions under section 16 of the 2004 Act will have the effect of transferring legal ownership of the sources to the NDA. This will be done by way of separate contractual arrangement between the current legal owners of the radioactive sources and the NDA.

1. **Citation and Interpretation**

- 1) This Direction may be cited as the **“Direction to the NDA in respect of the management of certain hazardous material”**.
- 2) In this Direction, the **“2004 Act”** means the Energy Act 2004 and references to sections are to sections of the 2004 Act.
- 3) The Interpretation Act 1978 shall apply to the interpretation of this Direction as it applies to the interpretation of an enactment, and words and expressions used in this Direction that are defined in the 2004 Act shall have the same meaning as in the 2004 Act. Where a word or expression is defined in both the Interpretation Act 1978 and this Direction, the meaning attributed to such word or expression in the 2004 Act or this Direction respectively will prevail.
- 4) For ease of reference, the following definitions from the 2004 Act apply:

**“hazardous material”** means:  
a) nuclear matter;  
b) radioactive waste; and  
c) any other article or substance that has been and remains contaminated (whether radioactively or chemically) as a result (within the meaning of section 36 of the 2004 Act) of nuclear activities;

**“treat”** in relation to any matter or substance, includes processing and reprocessing (including any use as a material in a process for the manufacture of nuclear fuel), and cognate expressions are to be construed accordingly.

- 5) In this Direction:

**“management”** means treatment, storage, transportation and disposal (as appropriate);

**“NDA”** means the Nuclear Decommissioning Authority;

**“SoS Commencement Date”** means the date on which the NDA’s responsibility for securing the management of the relevant source is to commence;

**“SoS Specification”** means a written notification from the Secretary of State to the NDA which specifies the:  
(i) relevant SoS Commencement Date;  
(ii) location of the relevant source; and  
(iii) any other particulars the Secretary of State considers appropriate to include.

2. **Direction**

Under section 3 of the 2004 Act, the Secretary of State gives the NDA this Direction for the purposes set out in paragraph 3 below.

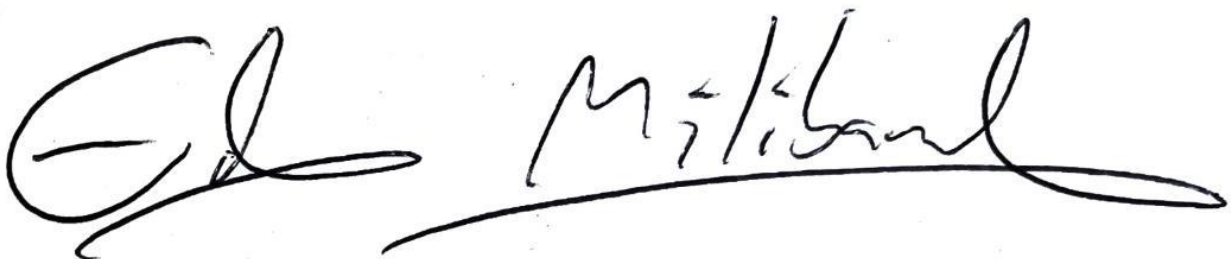
3. **Designation**

- 1) This Direction designates for the purposes of section 3(1)(e) of the 2004 Act the circumstances in which the NDA is to have responsibility for securing the management of certain hazardous material.
- 2) The designated circumstances in which the NDA is to have responsibility for securing the management of certain hazardous material are set out in the Schedule to this Direction.
- 3) The NDA's responsibility for securing the management of certain hazardous material shall be postponed until the relevant SoS Commencement Date.

4. **Commencement**

- 1) This Direction is made on
- 2) This Direction shall come into force on the day after the day on which it is made.

**Signed:**

A handwritten signature in black ink, appearing to read 'John Mitchell', written over a horizontal line.

Secretary of State for Energy Security and Net Zero

## SCHEDULE

### Designated circumstances

1. For the purposes of section 3(1)(e) of the 2004 Act, the NDA has responsibility for securing the management of certain hazardous material in the following designated circumstances:
  - (a) The hazardous material is a caesium chloride (CsCl) high-activity sealed radioactive source contained in an irradiator unit used in the United Kingdom health and research sectors and declared as radioactive waste (a “**source**”);
  - (b) The source is located in the United Kingdom;
  - (c) The Secretary of State has given the NDA an SoS Specification in respect of the source; and
  - (d) The source is of a nature that, at the time this Direction was made, was expected to be transported ultimately to Sellafield for treatment and storage (as appropriate) pending its disposal (following an SoS Specification being given in respect of the source).
2. A source may not be treated, stored or disposed of by the NDA (following an SoS Specification being given in respect of the source) in or on a site in Scotland.