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STATUTORY INSTRUMENTS

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**2019 No. 196**

**The Nuclear Safeguards (EU Exit) Regulations 2019**

**PART 13**

**Notification to the Secretary of State**

**The Secretary of State may issue written advice**

**44.** If a specified international agreement applies, or may apply in future, to an item or to some qualifying nuclear material, the Secretary of State may provide an operator of a qualifying nuclear facility or other relevant person, who either holds the item or qualifying nuclear material or will receive or hold the item or qualifying nuclear material in future, with written advice which describes—

- (a) the item or the qualifying nuclear material; and
- (b) the specified international agreement which applies to the item or the qualifying nuclear material on the date of the written advice or will apply to the item in the future.

**Notification of receipt, production and transfer**

**45.** An operator of a qualifying nuclear facility or other relevant person must send the Secretary of State notice in writing of—

- (a) the receipt, by that operator or person, of—
  - (i) a relevant item; or
  - (ii) qualifying nuclear material in respect of which the Secretary of State has issued an advice to an operator or other relevant person under regulation 44;
- (b) the production, processing, derivation or fabrication, by that operator or other person, of a relevant item from—
  - (i) another relevant item; or
  - (ii) from relevant qualifying nuclear material; and
- (c) the proposed transfer, by the operator or other person, of a relevant item together with details of the transferee and their location.

**Form of notification**

**46.—(1)** A notification under regulation 45 must be in writing and in the case of—

- (a) paragraphs (a) and (b) of regulation 45, be sent to the Secretary of State within a period of 5 days beginning with the day on which the event, described in the relevant paragraph, takes place; and
- (b) paragraph (c) of regulation 45, be sent to the Secretary of State at least 30 days before the proposed date of transfer.

**(2)** The notification must—

- (a) set out the particulars of the person's name and proper address (within the meaning of section 10(3) of the Nuclear Safeguards Act 2000(1)) and a description of the matter and item referred to in the relevant paragraph; and
- (b) be sent by post or delivered to the Department for Business, Energy and Industrial Strategy at 1, Victoria Street, London SW1H 0ET or sent by means of an electronic communications network to an address published on the BEIS website.

(3) On a written request by the Secretary of State, an operator or other person must supply further details, explanations or clarifications of the matters set out in a notice required by this regulation, within the period of 15 days beginning with the day on which the request from the Secretary of State is received.

### **Notification of change**

47. An operator or other person, who has sent a notification to the Secretary of State under regulation 45 or 46(3), must inform the Secretary of State of any material change in the information provided within the period of 15 days beginning with the day on which any change in the information occurs.

### **Continued application**

48. Regulations 45 to 47 continue to apply to a relevant item or to relevant qualifying nuclear material until the relevant item or relevant qualifying nuclear material is—

- (a) no longer usable for any nuclear activity relevant for nuclear safeguards;
- (b) irrecoverable for processing into a form in which it is usable for nuclear activity; or
- (c) the subject of a written advice from the Secretary of State that the item or qualifying nuclear material will cease to be the subject of a written advice, issued by the Secretary of State under regulation 44, with effect from a specified date, following an agreement between the United Kingdom and the Party to the specified international agreement.

### **Interpretation**

49. In this Part—

“equipment” means—

- (a) nuclear reactors and especially designed or prepared equipment and components therefor;
- (b) non-nuclear materials for reactors;
- (c) plants for the reprocessing of irradiated fuel elements and equipment especially designed or prepared therefor;
- (d) plants for the fabrication of nuclear reactor fuel elements, and equipment especially designed or prepared therefor;
- (e) plants for the separation of isotopes of natural uranium, depleted uranium or special fissionable material and equipment, other than analytical instruments, especially designed or prepared therefor;
- (f) plants for the production or concentration of heavy water, deuterium and deuterium compounds and equipment especially designed or prepared therefor;

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(1) 2000 c. 5. The amendments which have been made are not relevant to these Regulations.

- (g) plants for the conversion of uranium and plutonium for use in the fabrication of fuel elements and the separation of uranium isotopes and equipment especially designed or prepared therefor,

and each of those terms is more fully described in Annex B to the Agency's Information Circular 254/Rev.13/Part 1 dated 8th November 2016;

“item” means—

- (a) non-nuclear material which means deuterium, heavy water and nuclear grade graphite;
- (b) byproduct material which means any radioactive material (except qualifying nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing qualifying nuclear material;
- (c) tritium which means compounds and mixtures which contain tritium in which the ratio of tritium to hydrogen by atoms is greater than 1 part per 1000;
- (d) equipment;
- (e) tritium-related equipment which means equipment, plants or facilities for the production, recovery, extraction, concentration, handling or storage of tritium;
- (f) technology which means specific information which is required for the development, production or use of any items of equipment or tritium-related equipment and which may take the form of technical data or technical assistance which terms are more fully described in Annex B to the Agency's Information Circular 254/Rev.13/Part 1 dated 8th November 2016;

“relevant item” means an item which is subject to a specified international agreement;

“relevant qualifying nuclear material” means qualifying nuclear material which is subject to a specified international agreement;

“specified international agreement” means an agreement which is described in paragraphs (c) to (f) of regulation 3 of the Nuclear Safeguards (Fissionable Material and Relevant International Agreements) (EU Exit) Regulations 2019(2).