



# Nuclear Safeguards Act 2018

## 2018 CHAPTER 15

### 1 Nuclear safeguards

(1) For section 72 of the Energy Act 2013 substitute—

#### **“72 Nuclear safeguards purposes**

In this Part, the “nuclear safeguards purposes” means the purposes of—

- (a) ensuring compliance with nuclear safeguards regulations (see section 76A),
- (b) ensuring compliance by the United Kingdom or, as the case may be, enabling or facilitating compliance by a Minister of the Crown, with a relevant international agreement, and
- (c) the development of any future obligations relating to nuclear safeguards.”

(2) After section 76 of that Act insert—

#### **“CHAPTER 2A**

#### **NUCLEAR SAFEGUARDS**

#### **76A Nuclear safeguards regulations**

- (1) The Secretary of State may by regulations (“nuclear safeguards regulations”) make provision for the purpose of—
  - (a) ensuring that qualifying nuclear material, facilities or equipment are only available for use for civil activities (whether in the United Kingdom or elsewhere), or
  - (b) giving effect to provisions of a relevant international agreement.
- (2) The regulations may, for example, make provision relating to—
  - (a) record-keeping or accounting;

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- (b) the provision or publication of information;
  - (c) inspection or monitoring;
  - (d) imports or exports;
  - (e) the design of qualifying nuclear facilities or equipment;
  - (f) the production, processing, use, handling, storage or disposal of qualifying nuclear material or equipment.
- (3) The following apply in relation to nuclear safeguards regulations as they apply in relation to nuclear regulations—
- section 74(3) to (5) (nuclear regulations),
  - section 75 (offences),
  - section 76 (civil liability), and
  - paragraphs 2 to 16 of Schedule 6 (examples of provision that may be made by nuclear regulations).
- (4) Nothing in nuclear safeguards regulations applies in relation to anything done for defence purposes (within the meaning of section 70).
- (5) The provision that may be made by nuclear safeguards regulations by virtue of section 113(7) includes provision modifying retained EU law (within the meaning of the European Union (Withdrawal) Act 2018).
- (6) In this section—
- “civil activities” means—
    - (a) production, processing or storage activities which are carried on for peaceful purposes;
    - (b) electricity generation carried on for peaceful purposes;
    - (c) decommissioning;
    - (d) research and development carried on for peaceful purposes;
    - (e) any other activity carried on for peaceful purposes;
  - “equipment” has the meaning given by section 70(3);
  - “qualifying nuclear equipment” means equipment designed or adapted for use in connection with qualifying nuclear material or a qualifying nuclear facility;
  - “qualifying nuclear facility” means a facility (including associated buildings) in which qualifying nuclear material is produced, processed, used, handled, stored or disposed of;
  - “qualifying nuclear material” means—
    - (a) fissionable material specified in regulations under subsection (7),
    - (b) source material in the form of—
      - (i) uranium metal, alloy or compound, or
      - (ii) thorium metal, alloy or compound, or
    - (c) ore containing a substance from which a source material falling within paragraph (b) is capable of being derived.
- (7) The Secretary of State may by regulations specify fissionable material for the purposes of the definition of “qualifying nuclear material”.
- (8) Before making any regulations under this section, the Secretary of State must consult—

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- (a) the ONR, and
  - (b) such other persons (if any) as the Secretary of State considers it appropriate to consult.
- (9) Subsection (8)(a) does not apply if the regulations give effect, without modification, to proposals submitted by the ONR under section 81(1)(a)(ia).

### **76B Payments in respect of compliance costs**

- (1) The Secretary of State may by regulations authorise or require the ONR to make payments towards compliance costs.
  - (2) “Compliance costs” means costs of complying with nuclear safeguards regulations or with specified provisions of nuclear safeguards regulations.
  - (3) Regulations under subsection (1) may provide that payments are authorised or required to be made only in specified circumstances.
  - (4) The ONR is responsible for determining the amounts of payments in accordance with any provision made by regulations under subsection (1).
  - (5) In this section, “specified” means specified in regulations under subsection (1).”
- (3) In section 112 of that Act (interpretation)—
- (a) in subsection (1), at the appropriate places insert—
    - ““nuclear safeguards regulations” means regulations under section 76A(1);”;
    - ““relevant international agreement” has the meaning given by subsection (1A);”;
  - (b) after subsection (1) insert—
    - “(1A) Relevant international agreement” means an agreement (whether or not ratified) to which the United Kingdom is a party and which—
      - (a) relates to nuclear safeguards, and
      - (b) is specified in regulations under subsection (1B),and a reference in this Part to a relevant international agreement is to the agreement as it has effect for the time being.
    - (1B) The Secretary of State may by regulations specify agreements for the purposes of subsection (1A)(b).
    - (1C) References in subsection (1A) to an agreement to which the United Kingdom is a party include an undertaking given by the United Kingdom which—
      - (a) relates to guidance or any other document issued by the International Atomic Energy Agency, and
      - (b) is notified to the Agency by the United Kingdom,(and the reference in subsection (1B) to an agreement is to be read accordingly).
    - (1D) Before making regulations under subsection (1B), the Secretary of State must consult—
      - (a) the ONR, and

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- (b) such other persons (if any) as the Secretary of State considers it appropriate to consult.
- (1E) Subsection (1D)(a) does not apply if the regulations give effect, without modification, to proposals submitted by the ONR under section 81(1)(a)(iiia).”
- (4) A consultation requirement imposed by an amendment made by this section may be satisfied by consultation carried out before this Act was passed.
- (5) The Schedule contains minor and consequential amendments.