
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations commence on exit day, which is when the United Kingdom will cease to be a member of both the European Union and of the European Atomic Energy Community. Prior to exit day, nuclear safeguards in the United Kingdom, were regulated by the EURATOM treaty, as amended by the Treaty of Lisbon, which was signed on 13 December 2007, and by Commission Regulation (EURATOM) 302/2005 (OJ L 54, 28.2.2005 p1-71). With effect from exit day, the United Kingdom's domestic provisions on nuclear safeguards will be set out in the Energy Act 2013 (c. 32), as amended by the Nuclear Safeguards Act 2018 (c. 15), and in these Regulations and the Nuclear Safeguards (EU Exit) Regulations 2019 (S.I. 2019/196).

Section 76A(6) of the Energy Act 2013 defines “qualifying nuclear material” to include fissionable material. Subsection 76A(7) provides that the Secretary of State may prescribe the meaning of “fissionable material” by regulations. Regulation 2(2) defines “fissionable material”. Section 112(1A) of the Energy Act defines “relevant international agreement” and paragraph (b) expands the definition to include an agreement to which the United Kingdom is a party and which is specified by the Secretary of State under subsection 112(1B). In regulation 3 the Secretary of State specifies six international agreements that constitute a “relevant international agreement” for this purpose. These are an agreement and an additional protocol with the International Atomic Energy Agency together with agreements between the United Kingdom and the United States, Canada, Australia and Japan. The text of the six relevant international agreements is published on the Foreign and Commonwealth Office website www.treaties.fco.gov.uk/treaties.

Regulation 4 requires a review of the Regulations before 1st January 2024, which is the same date as that set out in the Nuclear Safeguards (EU Exit) Regulations 2019.

A full impact assessment of the effect that this instrument, together with the Nuclear Safeguards (EU Exit) Regulations 2019, will have on the costs of business and the voluntary sector is available from the Department for Business, Energy and Industrial Strategy at 1 Victoria Street, London SW1H 0ET and is published on the BEIS website www.legislation.gov.uk. It is also published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Nuclear Safeguards (Fissionable Material and Relevant International Agreements) (EU Exit) Regulations 2019.