
D R A F T S T A T U T O R Y I N S T R U M E N T S

20-- No.

ENERGY

The Nuclear Safeguards (Civil Activities, Fissionable Material and Relevant International Agreements) Regulations 20--

Made - - - - - ***
Coming into force - - - - - ***

The Secretary of State, in exercise of the powers conferred by sections 76A(5) and (8) and 112(1B) of the Energy Act 2013(a), makes the following Regulation:

In accordance with section 113(2)(aa) and (c) of that Act, a draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Nuclear Safeguards (Civil Activities, Fissionable Material and Relevant International Agreements) Regulations 20--.

(2) These Regulations shall come into force on **** 20--.

Civil Activities

2.—(1) The Secretary of State specifies the activities set out in paragraph (2), as activities which are to be treated as “civil activities” for the purposes of section 76A(1) of the Energy Act 2013 (“the Act”).

(2) Those activities which are carried out in relation to qualifying nuclear material, equipment or facilities including, without limitation—

- (i) the generation of nuclear power;
- (ii) the conversion, processing, reprocessing, enrichment, isotopic separation, manufacture, measurement, milling, transport, storage and decommissioning of qualifying nuclear material;
- (iii) research and development; and
- (iv) activities associated with those specified in this paragraph.

(3) The activities set out in paragraph (2), do not include those activities which are carried out for defence purposes (within the meaning of section 70).

Fissionable Material

3. (1) The Secretary of State specifies the material, which is set out in paragraph (2), as “fissionable material” for the purposes of the definition of “qualifying nuclear material” set out in section 76A(7) of the Act.

(2) “Fissionable material” means —

(a) plutonium-239,

(b) uranium-233,

(c) uranium containing the isotopes 235 or 233 or both, in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature, and

(d) any material containing one or more of the materials described in paragraphs (a) to (c).

Relevant international agreements

4. The Secretary of State specifies the following agreements as a “relevant international agreements” for the purposes of section 112(1A)(b) of the Act –

(a) the agreement made on [] between the United Kingdom and the International Atomic Energy Agency for the application of safeguards in the United Kingdom in connection with the Treaty on the Non-Proliferation of Nuclear Weapons,

(b) the Additional Protocol signed at Vienna on [] additional to the agreement mentioned in paragraph (a), and

(c) the agreement, made on [], between the United Kingdom and the European Atomic Energy Community,

and any reference in paragraphs (a), (b) or (c) to an agreement or protocol is to it as it has effect for the time being.

Date _____
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy
Name _____

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 76A(1) of the Energy Act 2013 (“the Act”) provides the Secretary of State with a power to make provision for the purpose of ensuring that qualifying nuclear material, facilities or equipment is only available for use for civil activities whether in the UK or elsewhere. Subsection (5) enables the Secretary of State to specify those activities which are to be treated as civil activities. Regulation 2(2) sets out those activities which are to be treated as “civil activities” for the purpose of section 76A(1) of the Act and contains a non-exclusive list of examples.

Section 76A(7) of the Act defines “qualifying nuclear material” to include fissionable material. Subsection 76A(8) provides that the Secretary of State may prescribe the meaning of “fissionable material” by regulations. Regulation 3(2) defines “fissionable material”.

Section 112(1A) 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 (1B). In regulation 4 the Secretary of State specifies three 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 and an agreement with the European Atomic Energy Community.

A full impact assessment of the effect that the instrument will have on the costs of business and the voluntary sector is available from the Department for Business, Energy and Industrial Strategy and is published on the BEIS website []. It is also published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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