UK Government

Annual report to Parliament on the use of powers under Part 3 of the Energy Act 2013

1 April 2025 to 31 March 2026

November 2026

Department for Energy Security and Net Zero

Annual report to Parliament on the use of powers under Part 3 of the Energy Act 2013

Presented to Parliament pursuant to Section 108 (1) of the Energy Act 2013.



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This publication is available at www.gov.uk/official-documents.

ISBN 978-1-5286-6883-5

E03716624 11/26

Printed on paper containing 40% recycled fibre content minimum.

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

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Requirements under Section 108(1) of the Energy Act 2013

Section 108(1) of the Energy Act 2013 (the 2013 Act) requires the Secretary of State as soon as reasonably practicable after the end of the financial year, to make a report to each House of Parliament on the use of the Secretary of State's powers under Part 3 of the 2013 Act during that year. The report must be laid before Parliament.

This report covers the period 1 April 2025 to 31 March 2026. This is the 12th report to be laid before Parliament pursuant to section 108 since the 2013 Act came into effect.

Part 3 of the Act (Nuclear Regulation) has five chapters covering nuclear regulations, the organisation and structure of the Office for Nuclear Regulation ("ONR"), the purposes and functions of the ONR and other supplementary matters.

Responsibility for this Part of the 2013 Act is shared between two departments, the Department for Work and Pensions (DWP) and the Department for Energy Security and Net Zero. Agreed responsibilities are set out in the tables below.

The Secretary of State for the Department for Work and Pensions has specific responsibility in relation to ONR:

Pay

- Under the DWP/ONR Framework document ONR can set its own pay remit, taking into account the requirements of Managing Public Money, Cabinet Office guidance and other relevant public sector guidance. ONR will alert DWP at the earliest opportunity if it proposes to deviate from these requirements.

Financial Control

- Approval of the ONR's accounts.
- Approval of any borrowing by the ONR.
- Provision of the ONR with sufficient funds to enable it to carry out its functions.

Non-executives (not including security non-executive)

- Appointment and dismissal.
- Acceptance of resignation.
- Approval of terms of appointment.

The Secretary of State for the Department for Energy Security and Net Zero has specific responsibility for the following areas:

Security specific

- Non-Executive Director (NED), Security: appointment and dismissal; acceptance of resignation; approval of terms of appointment.
- In exceptional circumstances relating to national security, issuing a direction to the ONR as to the exercise of a regulatory function in a particular case.

Policy Directions and Sensitive Information

- Direct ONR regarding the exercise of its functions generally, or any of its functions specifically.
- Provide consent to issue certain communications which concern matters to which government policy on national security relates.
- Give a notice to the ONR specifying the description of sensitive nuclear information in addition to those provided in the Energy Act 2013.Non-executives (not including security non-executive)

Safeguards obligations

- Issuing a notice to the ONR specifying that certain obligations, agreements, or arrangements are to be considered “safeguard obligations” in addition to those obligations set out in the Energy Act 2013.

Other Controls

- Approval of international work of the ONR

There is joint responsibility, but with the final decision resting with the Secretary of State for the Department for Work and Pensions in the following areas:

Key appointments

- Agreement of appointment of the Chair.
- Approval of the appointment of the Chief Nuclear Inspector (CNI) and Chief Executive Officer (CEO).

ONR Strategy and Plan

- Approval of ONR’s Strategy and Annual Plan and laying them before Parliament.

Annual Report and Accounts

- Laying before Parliament ONR’s Annual Report and Accounts.

Other controls

- Approval of commercial work.
- Receipt of proposals for regulations made by the ONR.
- Approval of any Approved Code of Practice proposed by the ONR.

2025-2026 powers exercised by Secretary of State for the Department for Work and Pensions:

Pursuant to section 108 of the Energy Act 2013, what follows is a report on the powers under Part 3 of that Act that have been exercised by the Secretary of State for the Department for Work and Pensions in the last financial year.

Schedule 7, paragraph 25(3):

Paragraph 25(3) provides that the Secretary of State must lay a copy of relevant documents (as defined in paragraph 25(1)) in Parliament together with a statement. Under this paragraph, the Secretary of State laid in Parliament ONR's Corporate Plan 2025-26 (5 June 2025) and Annual Report and Accounts 2024-25 (17 July 2025).

Schedule 7, paragraph 4:

Paragraph 4 provides for the make up of ONR's non-executive members. During the reporting period the following persons were appointed or reappointed to ONR's board of directors. Lynne Clow was appointed as a NED for a five-year term, starting 9 February 2026. Matthew Rees was appointed as a NED for a five-year term, starting 1 October 2025. Dr Janet Wilson was reappointed as a NED, originally appointed for a five-year term in April 2020, her term is now extended until 31 March 2028.

2025-2026 powers exercised by Secretary of State for the for the Department for Energy Security and Net Zero:

Pursuant to section 108 of the Energy Act 2013, what follows is a report on the powers under Part 3 of that Act that have been exercised by the Secretary of State for the Department for Energy Security and Net Zero in the last financial year.

Section 76A(1) enables the Secretary of State to make 'nuclear safeguards regulations' including for the purpose of ensuring that qualifying nuclear material, facilities or equipment are only available for use for civil activities, or giving effect to provisions of a relevant international agreement. Subsection (7) enables the Secretary of State by regulations specify fissionable material for the purposes of the definition of "qualifying nuclear material". Subsection (8) provides that the Secretary of State must consult the ONR and other appropriate persons before making such regulations. During 2025-2026, the Secretary of State consulted on proposed amendments to the Nuclear Safeguards (EU

Exit) Regulations 2019 pursuant to subsection (8). This was a public consultation with ONR and operators providing feedback: Nuclear Safeguards (EU Exit) Regulations 2019 and the Nuclear Safeguards (Fees) Regulations 2021: proposed changes - GOV.UK

Section 101(1) provides that the Secretary of State may by regulations provide for fees to be payable for, or in connection with, the performance of any of the following functions (whenever conferred). Under subsection (6), before making such regulations, the Secretary of State must consult with the ONR and other persons deemed appropriate. During 2025-2026 a consultation on proposed amendments to the Nuclear Safeguards (EU Exit) Regulations 2019 was held. This was a public consultation with ONR and operators providing feedback: Nuclear Safeguards (EU Exit) Regulations 2019 and the Nuclear Safeguards (Fees) Regulations 2021: proposed changes - GOV.UK

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E03716624 11/26
978-1-5286-6883-5