



Energy Act 2013

2013 CHAPTER 32

PART 3

NUCLEAR REGULATION

CHAPTER 1

THE ONR'S PURPOSES

67 The ONR's purposes

In this Part, “the ONR's purposes” means—

- (a) the nuclear safety purposes (see section 68),
- (b) the nuclear site health and safety purposes (see section 69),
- (c) the nuclear security purposes (see section 70),
- (d) the nuclear safeguards purposes (see section 72), and
- (e) the transport purposes (see section 73).

68 Nuclear safety purposes

(1) In this Part, the “nuclear safety purposes” means the purposes of protecting persons against risks of harm from ionising radiations from GB nuclear sites, including through—

- (a) the design and construction of relevant nuclear installations and their associated sites,
- (b) arrangements for the operation and decommissioning of, and other processes connected with, relevant nuclear installations,
- (c) arrangements for the storage and use of nuclear matter on GB nuclear sites, and
- (d) arrangements to minimise those risks in the event of an escape or release of such ionising radiations.

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- (2) For this purpose, ionising radiations from GB nuclear sites are ionising radiations from—
- (a) relevant nuclear installations, or
 - (b) nuclear matter stored or used on a GB nuclear site;
- and an escape or release of ionising radiations from a GB nuclear site includes ionising radiations from nuclear matter that has escaped or been released on or from a GB nuclear site.
- (3) In this section—
- “GB nuclear site” means a nuclear site in England, Wales or Scotland;
 - “nuclear installation” has the same meaning as in the Nuclear Installations Act 1965 (see section 26 of that Act);
 - “nuclear matter” has the same meaning as in that Act (see section 26 of that Act);
 - “relevant nuclear installation” means a nuclear installation on a site (its “associated site”) in England, Wales or Scotland for which a nuclear site licence is required by virtue of the installation (and includes a proposed or former nuclear installation in respect of which such a licence would be or has ever been so required).

69 Nuclear site health and safety purposes

- (1) In this Part, the “nuclear site health and safety purposes” means so much of the general purposes of Part 1 of the 1974 Act as consists of the following purposes—
- (a) securing the health, safety and welfare of persons at work on GB nuclear sites;
 - (b) protecting persons, other than persons at work on GB nuclear sites, against risks to health or safety arising out of or in connection with the activities of persons at work on GB nuclear sites;
 - (c) controlling the storage and use on GB nuclear sites of dangerous substances and generally preventing the unlawful acquisition, possession and use of such substances on or from such sites.
- (2) In this section—
- (a) “dangerous substances” means radioactive, explosive, highly flammable or otherwise dangerous substances, other than nuclear matter;
 - (b) “GB nuclear site” and “nuclear matter” have the same meanings as in section 68.
- (3) Section 1(3) of the 1974 Act (interpretation of references to risks relating to persons at work) applies for the purposes of this section as it applies for the purposes of Part 1 of the 1974 Act.

70 Nuclear security purposes

- (1) In this Part, the “nuclear security purposes” means the purposes of ensuring the security of—
- (a) civil nuclear premises;
 - (b) nuclear material used or stored on civil nuclear premises and equipment or software used or stored on such premises in connection with activities involving nuclear material;

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- (c) other radioactive material used or stored on civil nuclear sites and equipment or software used or stored on civil nuclear sites in connection with activities involving such other radioactive material;
 - (d) civil nuclear construction sites and equipment used or stored on civil nuclear construction sites;
 - (e) equipment or software in the United Kingdom which—
 - (i) is capable of being used in, or in connection with, the enrichment of uranium, and
 - (ii) is in the possession or control of a person involved in uranium enrichment activities;
 - (f) sensitive nuclear information which is in the United Kingdom in the possession or control of—
 - (i) a person who is involved in activities on or in relation to civil nuclear premises or who is proposing or likely to become so involved;
 - (ii) a person involved in uranium enrichment activities; or
 - (iii) a person who is storing, transporting or transmitting the information for or on behalf of a person falling within sub-paragraph (i) or (ii);
 - (g) nuclear material which is being (or is expected to be)—
 - (i) transported within the United Kingdom or its territorial sea,
 - (ii) transported (outside the United Kingdom and its territorial sea) to or from any civil nuclear premises in the United Kingdom, or
 - (iii) carried on board a United Kingdom ship,other than material being (or expected to be) so transported or carried for defence purposes;
 - (h) information relating to the security of anything mentioned in paragraphs (a) to (g).
- (2) For the purposes of subsection (1), ensuring the security of any site or premises includes doing so by means of the design of, or of anything on, the site or premises.
- (3) In this section—
- “civil nuclear construction site” means a site—
 - (a) on which works are being carried out with a view to its becoming a civil nuclear site, and
 - (b) which is situated within 5 kilometres of an existing nuclear site;
 - “civil nuclear premises” means—
 - (a) a civil nuclear site, or
 - (b) other premises on which nuclear material is used or stored which are not controlled or operated wholly or mainly for defence purposes;
 - “civil nuclear site” means a nuclear site other than one controlled or operated wholly or mainly for defence purposes;
 - “defence purposes” means the purposes of the department of the Secretary of State with responsibility for defence;
 - “enrichment of uranium” means a treatment of uranium that increases the proportion of isotope 235 contained in the uranium;
 - “equipment” includes equipment that has not been assembled and its components;
 - “nuclear material” means any fissile material in the form of—
 - (a) uranium metal, alloy or compound, or

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(b) plutonium metal, alloy or compound,
 or any other fissile material prescribed by regulations made by the Secretary of State;

“sensitive nuclear information” means—

- (a) information relating to, or capable of use in connection with, the enrichment of uranium, or
- (b) information of a description for the time being specified in a notice under section 71;

“United Kingdom ship” means a ship registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995.

71 Notice by Secretary of State to ONR specifying sensitive nuclear information

- (1) This section applies where the Secretary of State considers that information of any description relating to activities carried out on or in relation to civil nuclear premises is information which needs to be protected in the interests of national security.
- (2) The Secretary of State may give a notice to the ONR under this section specifying that description of information.
- (3) The Secretary of State may vary or revoke any notice given under this section by giving a further notice to the ONR.
- (4) Before giving a notice under this section, the Secretary of State must consult the ONR.
- (5) In this section “civil nuclear premises” has the same meaning as in section 70.

72 Nuclear safeguards purposes

- (1) In this Part, the “nuclear safeguards purposes” means the purposes of—
 - (a) ensuring compliance by the United Kingdom or, as the case may be, enabling or facilitating compliance by a Minister of the Crown, with the safeguards obligations, and
 - (b) the development of any future safeguards obligations.
- (2) In subsection (1)(a) “the safeguards obligations” has the meaning given by section 93.

73 Transport purposes

- (1) In this Part, the “transport purposes” means the purposes of—
 - (a) protecting against risks relating to the civil transport of radioactive material in Great Britain by road, rail or inland waterway which arise out of, or in connection with, the radioactive nature of the material, and
 - (b) ensuring the security of radioactive material during civil transport in Great Britain by road, rail or inland waterway.
- (2) For this purpose—
 - (a) “civil transport” means transport otherwise than for the purposes of the department of the Secretary of State with responsibility for defence;
 - (b) “radioactive material”—
 - (i) in relation to transport by road, has the same meaning as in ADR,
 - (ii) in relation to transport by rail, has the same meaning as in RID, and

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- (iii) in relation to transport by inland waterway, has the same meaning as in ADN;
 - (c) the transport of material begins with any preparatory process (such as packaging) and continues until the material has been unloaded at its destination.
- (3) In subsection (2)(b)—
 - “ADN” means the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (signed at Geneva on 26 May 2000);
 - “ADR” means Annexes A and B to the European Agreement concerning the International Carriage of Dangerous Goods by Road (signed at Geneva on 30 September 1957);
 - “RID” means the Annex to Appendix C to the Convention concerning International Carriage by Rail (signed at Berne on 9 May 1980) (the Regulation concerning the International Carriage of Dangerous Goods by Rail);and any reference to, or to an appendix to, an Agreement, a Convention or a Treaty, or to an annex to any of them, is to it as it has effect for the time being.
- (4) The Secretary of State may by regulations modify the definition of “radioactive material”.