



Energy Act 2013

2013 CHAPTER 32

PART 3

NUCLEAR REGULATION

CHAPTER 4

FUNCTIONS OF THE ONR

Exercise of functions: general

94 Consent of Secretary of State for certain communications

- (1) The ONR must not issue any communication to which this section applies except with the consent of the Secretary of State.
- (2) This section applies to—
 - (a) any—
 - (i) security guidance, or
 - (ii) statement of the ONR's nuclear security policy,that the ONR considers concerns any matter to which any government policy on national security relates;
 - (b) any other communication of a description that the Secretary of State has directed should be submitted to the Secretary of State before being issued.

This is subject to subsection (3).

- (3) This section does not apply to—
 - (a) a code of practice issued under section 79;
 - (b) the ONR's strategy or annual plan or a report under paragraph 24 of Schedule 7;
 - (c) advice given in a particular case.

Changes to legislation: *Energy Act 2013, Section 94 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) In this section—

“government policy on national security” means any current policy which relates to national security and—

- (a) has been published by or on behalf of Her Majesty's Government, or
- (b) has been notified to the ONR by the Secretary of State;

“security guidance” means any guidance to which the ONR's nuclear security policy is relevant;

“the ONR's nuclear security policy” means the ONR's policy with respect to the exercise of its functions, or the functions of inspectors, so far as relevant to the nuclear security purposes.

(5) The Secretary of State may give a direction under subsection (2)(b) in relation to a description of communication only if it appears to the Secretary of State—

(a) that—

- (i) a communication of that description might contain security guidance or information about the ONR's nuclear security policy, or
- (ii) the ONR's nuclear security policy might otherwise be relevant to such a communication, and

(b) that such a communication might concern any matter to which any government policy on national security relates.

(6) The Secretary of State may give the ONR a general consent in relation to the issue of a particular description of communication which would otherwise fall within subsection (2)(a).

(7) If the Secretary of State has given such a general consent, the ONR need not seek the Secretary of State's particular consent in relation to the issue of a communication of that description unless directed by the Secretary of State to do so.

Commencement Information

II S. 94 in force at 1.4.2014 by [S.I. 2014/251](#), [art. 4](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 68(4) inserted by [2023 c. 52 s. 302\(4\)](#)