

NUCLEAR SAFEGUARDS ACT 2018

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Nuclear Safeguards Act 2018 (c. 15) which received Royal Assent on 26 June 2018.

- These Explanatory Notes have been prepared by the Department for Business, Energy and Industrial Strategy in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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Overview of the Act

- 1 The Nuclear Safeguards Act creates the legal framework for a domestic nuclear safeguards regime to operate in the United Kingdom. This regime will replace the current legal framework provided principally by the United Kingdom's membership of the European Atomic Energy Community ("Euratom"). Nuclear safeguards arrangements enable the United Kingdom to meet international nuclear safeguards standards and engage in certain international civil nuclear activities, including trade and research and development.
- 2 Nuclear safeguards primarily involve reporting and verification processes by which the United Kingdom demonstrates to the international community that civil nuclear material is not diverted into military or weapons programmes. Nuclear safeguards procedures can include accountancy and reporting on civil nuclear material holdings and development plans, verification (including inspections of nuclear facilities by international inspectors), containment measures and surveillance (including cameras in selected facilities). Nuclear safeguards are distinct from nuclear safety (the prevention of nuclear accidents) and nuclear security (physical protection measures), which are the subject of independent regulatory provisions and have separate purposes under the Energy Act 2013 ("the 2013 Act")¹.
- 3 The Nuclear Safeguards Act amends the 2013 Act to replace the existing nuclear safeguards purposes of the Office for Nuclear Regulation ("ONR"). The ONR is the United Kingdom's nuclear regulator. The ONR has five purposes which define its areas of responsibility and where it is able to exercise its functions. Currently, the nuclear safeguards purposes of the ONR are defined by reference to Euratom and existing agreements with the International Atomic Energy Agency ("IAEA") (which also depend on membership of Euratom). The new nuclear safeguards purposes of the ONR as provided for in this Act will require it to ensure compliance with nuclear safeguards regulations (made by the Secretary of State) and to ensure compliance of the United Kingdom with international agreements relating to nuclear safeguards.
- 4 The Nuclear Safeguards Act provides powers to the Secretary of State to make nuclear safeguards regulations, which will set out the detail of the domestic regime for nuclear safeguards. The regulation-making power may also be used to implement the new international agreements the United Kingdom envisages concluding (for example, with the IAEA).
- 5 The Nuclear Safeguards Act also provides a regulation-making power to the Secretary of State to amend certain legislation (including primary legislation, as set out below) which make reference to parts of the existing agreements on nuclear safeguards between the IAEA and the United Kingdom. These references will need to be updated when the existing agreements with the IAEA are replaced with new ones (which were signed on 7 June 2018 and, at the time of Royal Assent of the Nuclear Safeguards Act, are pending ratification).
- 6 In addition, the Nuclear Safeguards Act places a requirement on the Secretary of State to prepare and lay before Parliament periodic reports providing information about nuclear safeguards covering the year after the Act is passed. The Nuclear Safeguards Act also requires the Secretary of State to make a request to the European Council for corresponding Euratom arrangements to continue to have effect in relation to the United Kingdom if certain conditions are not satisfied 28 days before exit day.

¹ See sections 68 and 70 of the 2013 Act.

Policy background

- 7 On 1 July 1968, the United Kingdom signed the Treaty on the Non-Proliferation of Nuclear Weapons (“NPT”). Under the NPT, the nuclear weapon states (China, France, Russia, the United Kingdom and the United States of America) undertake not to transfer nuclear weapons or any other nuclear explosives devices, and not to support the manufacture or acquisition of such weapons or devices by non-nuclear weapon states. Non-nuclear-weapon states undertake not to acquire or produce nuclear weapons or nuclear explosive devices and to accept international monitoring of their nuclear material by the IAEA pursuant to “full-scope or comprehensive safeguards agreements” entered into with the IAEA.
- 8 The IAEA is the UN-associated body responsible for oversight of the global nuclear non-proliferation regime and nuclear safeguards arrangements. A fundamental principle of the global non-proliferation and nuclear safeguards regime is that the oversight of nuclear safeguards is independent of the country, thereby providing reassurance to international partners that materials from civil nuclear programmes are not used otherwise than for civil activities (and therefore not for weapons purposes). As such, the nuclear weapon states have voluntarily accepted international monitoring of their civil nuclear material, with exemptions for defence purposes, through IAEA safeguards.
- 9 On 1 January 1973, the United Kingdom became a member of Euratom and of the European Community (which has since evolved to become today’s European Union). One of Euratom’s functions is to implement a system of safeguards to control the use of nuclear materials within EU member states. Consequently, the United Kingdom’s current safeguards regime and its main international agreements on nuclear safeguards with the IAEA are fundamentally underpinned by the United Kingdom’s membership of Euratom. The United Kingdom’s current arrangements with the IAEA are between the United Kingdom, Euratom and the IAEA. New bilateral agreements between the United Kingdom and the IAEA were signed on 7 June 2018 and are being put into place for when Euratom nuclear safeguards arrangements no longer apply to the United Kingdom.
- 10 The European Union (Notification of Withdrawal) Act 2017 received Royal Assent on 16 March 2017.
- 11 On 29 March 2017, the Prime Minister gave notification to the European Commission of the withdrawal of the United Kingdom from the European Union and from Euratom under section 1(1) of the European Union (Notification of Withdrawal) Act 2017².
- 12 Following this notification, the Government set out its intention to legislate to put in place a domestic nuclear safeguards regime operated by the existing nuclear regulator, the ONR. The ONR currently performs inspections on United Kingdom nuclear facilities for a range of safety and security purposes (and it has a complementary role supporting Euratom’s and the IAEA’s work in respect of nuclear safeguards).

² In accordance with Article 50(2) of the Treaty on European Union and Article 50 as applied by Article 106a of the Treaty Establishing the European Atomic Energy Community.

- 13 The new domestic nuclear safeguards regime will replace the current regime operated by Euratom that will cease to have effect in the United Kingdom following the United Kingdom's withdrawal. The Queen's Speech on 21 June 2017 included a Nuclear Safeguards Bill. The Government said:

"The Bill will establish a UK nuclear safeguards regime as we leave the European Union and Euratom. The Bill will give the Office for Nuclear Regulation powers to take on the role and responsibilities required to meet our international safeguards, and nuclear non-proliferation, obligations."

- 14 Once Euratom arrangements no longer apply to the United Kingdom, the United Kingdom's main agreements with the IAEA will become ineffective (as they are based on Euratom membership) and will need to be renegotiated to provide for the United Kingdom's future safeguards obligations. A new domestic nuclear safeguards regime is therefore essential to ensure the United Kingdom is able to meet the future obligations that are to be (or, in some cases, have been) negotiated with the IAEA and other states.
- 15 Members of the public were not formally consulted on the contents of the Nuclear Safeguards Act. This is because the aim of the Act is to create a legal framework to ensure that the United Kingdom is able to continue to meet its international nuclear non-proliferation and nuclear safeguards obligations. There will, however, be a full consultation on the new domestic safeguards regime when this is set out in draft regulations which will detail the scope of the future regime, including specific reporting requirements.

Legal background

- 16 The Energy Act 2013 established the ONR as the United Kingdom's independent nuclear regulatory body in 2014 (with certain functions having previously rested with the Health and Safety Executive). The 2013 Act sets out the purposes of the ONR, which defines the five areas of regulatory responsibility: those relating to nuclear safety, nuclear health and safety, nuclear security, nuclear safeguards, and the transportation of radioactive material. In addition, section 74 of the 2013 Act provides for the Secretary of State to make regulations (known as "nuclear regulations") for four of the ONR's purposes, including for nuclear safeguards purposes.
- 17 Under section 72 of the 2013 Act the "nuclear safeguards purposes" means the purposes of (a) ensuring the United Kingdom's compliance with the safeguards obligations and (b) the development of any future safeguards obligations. The "safeguards obligations" are defined in section 93(2) of the 2013 Act as comprising the following:
- a. articles 77 to 85 of the Treaty establishing the European Atomic Energy Community, signed in Rome on 25 March 1957 ("the Euratom Treaty")³;
 - b. the agreement made on 6 September 1976 between the United Kingdom, the European Atomic Energy Community and the IAEA for the application of safeguards in the United Kingdom in connection with the Treaty on the Non-Proliferation of Nuclear Weapons ("the Voluntary Offer Agreement")⁴;

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012A%2FTXT>

⁴ <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc263.pdf>

- c. the protocol signed in Vienna on 22 September 1998 additional to the agreement mentioned in paragraph (b) (“the Additional Protocol”)⁵; and
 - d. such other obligations, agreements or arrangements relating to nuclear safeguards as may be specified in a notice given to the ONR by the Secretary of State.
- 18 The details of most of the United Kingdom’s current safeguards regime is set out in Commission Regulation (Euratom) No. 302/2005 of 8 February 2005 (“the Euratom Regulation”)⁶, made under the Euratom Treaty. The Euratom Regulation imposes the detailed technical requirements on those holding civil nuclear material and takes effect automatically in United Kingdom law by virtue of the European Communities Act 1972 (without specific domestic implementing legislation).
- 19 As a result, the United Kingdom’s nuclear safeguards regime generally, and the ONR’s nuclear safeguards purposes specifically, are fundamentally underpinned by the United Kingdom’s membership of Euratom. Euratom is a party to the United Kingdom’s two main agreements with the IAEA (and many of the United Kingdom’s obligations to the IAEA are discharged by virtue of its membership of Euratom). As such, the United Kingdom’s existing nuclear safeguards regime will become ineffective when Euratom arrangements no longer apply to the United Kingdom.
- 20 This Act confers a regulation-making power which will enable the Secretary of State to put in place the detailed requirements that are necessary for a domestic nuclear safeguards regime, including by imposing obligations on those who hold nuclear materials. The regulation-making power under the Nuclear Safeguards Act may also be used to implement the new international agreements the United Kingdom envisages concluding, for example, with the IAEA. The power can also be used to impose domestic standards through regulations.
- 21 The Nuclear Safeguards Act amends the ONR’s nuclear safeguards purposes to reflect the fact that the obligations it will be responsible for ensuring compliance with will be contained within domestic regulations and new international agreements rather than the Euratom Regulation. The ONR, rather than the European Commission, will become the UK’s nuclear safeguards regulator.
- 22 The nature of safeguards regimes is such that the substantive provisions are detailed and technical in nature and this is reflected in the pre-consultation draft regulations published on 19 January 2018⁷. This will be the case for the domestic safeguards regime put in place under the powers in the Nuclear Safeguards Act. The majority of this detail will be laid out in regulations which will, on first use, be subject to the affirmative resolution procedure (and the Nuclear Safeguards Act amends section 113 of the 2013 Act to this effect). These regulations will place obligations on those responsible for “qualifying nuclear material”, “qualifying nuclear facilities” and “qualifying nuclear equipment”; the pre-consultation draft provide further detail. Further detail in respect of the scrutiny procedures that apply to the powers under the Nuclear Safeguards Act are set out in the Delegated Powers and Regulatory Reform Committee Memorandum for the Bill⁸.

⁵ <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc263a1.pdf>

⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32005R0302>

⁷ <https://www.gov.uk/government/publications/nuclear-safeguards-bill-draft-regulations>

⁸ <https://services.parliament.uk/bills/2017-19/nuclearsafeguards/documents.html>

- 23 In addition to the provisions of the 2013 Act, there are additional pieces of legislation (i.e. the Nuclear Safeguards and Electricity (Finance) Act 1978, the Nuclear Safeguards Act 2000 and the Nuclear Safeguards (Notification) Regulations 2004) that implement the United Kingdom’s existing nuclear safeguards obligations. These will not operate properly after Euratom arrangements no longer apply to the United Kingdom due to their detailed references to provisions of the United Kingdom’s existing safeguards agreements with the IAEA. Section 2 of the Nuclear Safeguards Act therefore also contains the power to make consequential amendments to these pieces of legislation in the light of future agreements between the United Kingdom and the IAEA (which were signed on 7 June 2018 and, at the time of at the time of Royal Assent of the Nuclear Safeguards Act, are pending ratification).

Territorial extent and application

- 24 The provisions of the Nuclear Safeguards Act extend to the whole of the United Kingdom.
- 25 Her Majesty may by Order in Council under section 117 of the 2013 Act provide that the provisions of the 2013 Act as amended by this Act apply, so far as specified, in relation to persons, premises, activities, articles, substances or other matters, outside the United Kingdom as they apply within the United Kingdom.
- 26 The power under section 2 of the Nuclear Safeguards Act includes power to amend the Nuclear Safeguards and Electricity (Finance) Act 1978 (“1978 Act”) and the Nuclear Safeguards Act 2000 (“2000 Act”). Section 12(4) of the 2000 Act enables Her Majesty by Order in Council to direct that provisions of the 1978 or 2000 Acts extend to any of the Channel Islands, the Isle of Man or any British overseas territory. Section 5(3) of the Nuclear Safeguards Act ensures that the power under section 12(4) of the 2000 Act may be exercised in relation to any amendment or repeal of the 1978 or 2000 Act made by regulations under section 2.
- 27 Nuclear safeguards are not devolved; the provisions of the Nuclear Safeguards Act are not within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly. Accordingly, the Government has not sought legislative consent motions from any of the devolved legislatures.
- 28 The table in Annex A provides a summary of the position regarding territorial extent and application in the United Kingdom.

Commentary on provisions of Act

Section 1: Nuclear safeguards

Substitution of section 72

- 29 Subsection (1) of section 1 provides a new definition of the ONR's nuclear safeguards purposes (found in section 72 of the Energy Act 2013) to reflect the domestic safeguards regime that will be put in place once Euratom arrangements no longer apply to the United Kingdom. The new nuclear safeguards purposes are:
- a. ensuring compliance with the nuclear safeguards regulations (to be made under the new section 76A, considered below);
 - b. ensuring compliance by the United Kingdom with international agreements relating to nuclear safeguards to which the United Kingdom is a party and which may be specified in regulations ("relevant international agreements": see paragraph 42 below); and
 - c. the development of any future obligations relating to nuclear safeguards.

New section 76A

- 30 Subsection (2) of section 1 inserts a new section 76A to the 2013 Act. Section 76A provides the Secretary of State with new powers to make regulations relating to nuclear safeguards.
- 31 Subsection (1) of section 76A states that regulations may be made for the purposes of:
- a. ensuring that qualifying nuclear material, facilities or equipment are only available for use for civil activities (whether in the United Kingdom or elsewhere); or
 - b. giving effect to the provisions of a relevant international agreement (see paragraph 41 below).
- 32 Subsection (2) of section 76A sets out examples of the obligations that may be imposed through nuclear safeguards regulations. They may, for example, make provision relating to:
- record-keeping or accounting;
 - the provision or publication of information;
 - inspection or monitoring;
 - imports or exports;
 - the design of qualifying nuclear facilities or equipment; and
 - the production, processing, use, handling, storage or disposal of qualifying nuclear material or equipment.
- 33 Subsection (3) of section 76A applies certain provisions of the existing regulation-making powers in sections 74, 75, 76 of, and Schedule 6 to, the 2013 Act, to the power under section 76A(1). These include the provisions which allow obligations imposed by the regulations to be enforced by the creation of a criminal offence or civil liability.
- 34 Subsection (4) of section 76A provides an exemption from the nuclear safeguards regulations in relation to anything done in the United Kingdom for defence purposes. Under section 70 of the 2013 Act, "defence purposes" are the purposes of the Secretary of State with responsibility for defence. Separate and distinct regimes apply to nuclear materials required for national security.

- 35 Subsection (5) of section 76A provides that the power to make consequential and transitional, etc., provision in section 113(7) of the 2013 Act can be exercised to modify retained EU law (which will have the meaning given in the European Union (Withdrawal) Act 2018). This will allow laws relating to nuclear safeguards that become ineffective when Euratom arrangements no longer apply to the United Kingdom to be repealed and replaced by the new domestic regime.
- 36 Subsection (6) of section 76A defines the meaning of “civil activities”, “qualifying nuclear equipment”, “qualifying nuclear facility” and “qualifying nuclear material” (as used in subsection (1)).
- 37 Subsection (7) provides the Secretary of State with a regulation-making power to specify fissionable material for the purposes of the definition of “qualifying nuclear material” in subsection (6).
- 38 Subsection (8) of section 76A sets out a requirement for the Secretary of State to consult the ONR and such other persons as the Secretary of State considers appropriate, before making regulations under section 76A. By virtue of subsection (9), the requirement to consult the ONR does not apply if the regulations concerned give effect to proposals submitted by the ONR under new section 81(1)(ia) without modification (see paragraph 65(a) below).

New section 76B

- 39 Section 1 also inserts a new section 76B into the 2013 Act. Subsection (1) of this new section 76B provides the Secretary of State with a regulation-making power to authorise or require the ONR to make payments towards compliance costs. Subsection (2) defines “compliance costs” as the costs of complying with the nuclear safeguards regulations, or specific provisions within those regulations. This power means the ONR could reimburse the costs incurred by persons complying with the nuclear safeguards regulations.
- 40 Subsection (3) of new section 76B specifies that regulations may provide that payments by the ONR are only authorised or required to be made under certain circumstances.

Amendments to section 112

- 41 Subsection (3) of section 1 amends section 112 of the 2013 Act (interpretation) by inserting five new subsections (1A-1E).
- 42 Subsection (1A) of section 112 provides a definition of “relevant international agreement”. Relevant international agreements are those to which the United Kingdom is a party, which relate to nuclear safeguards and which are specified in regulations made by the Secretary of State (under subsection (1B)). This definition is relevant, amongst other things, to the ONR’s nuclear safeguards purposes (in section 72(b) as amended) and the regulation-making power in section 76A(1)(b). Such regulations will always be subject to the affirmative procedure and the Nuclear Safeguards Act amends section 113 of the 2013 Act to this effect.
- 43 Under subsection (1C) of section 112, undertakings given by the United Kingdom to the IAEA in respect of guidance (or any other document) issued by the IAEA are treated as “relevant international agreements” for the purposes of the Nuclear Safeguards Act, so long as they are specified in regulations under subsection (1B).
- 44 Subsection (1D) of section 112 specifies that before making regulations under subsection (1B), the Secretary of State is required to consult the ONR and such other persons (if any) as the Secretary of State considers appropriate. The Secretary of State is not required to consult the ONR if the regulations reflect proposals submitted by the ONR to the Secretary of State (subsection (1E)) without modification.

Supplementary provisions under section 1

- 45 Subsection (4) of section 1 provides that consultation before this Act is passed may satisfy the consultation requirements mentioned above.
- 46 Subsection (5) of section 1 introduces the Schedule to this Act.

Section 2: Power to amend legislation relating to nuclear safeguards

- 47 Section 2 provides a power for the Secretary of State to amend, by regulations, the Nuclear Safeguards and Electricity (Finance) Act 1978 (“the 1978 Act”), the Nuclear Safeguards Act 2000 (“the 2000 Act”) and the Nuclear Safeguards (Notification) Regulations 2004 (S.I. 2004/1255) (“the 2004 Regulations”), in consequence of any “relevant safeguards agreement”.
- 48 Subsection (2) specifies that a “relevant safeguards agreement” means an agreement, whether or not ratified, relating to nuclear safeguards between the UK and the IAEA.
- 49 Subsection (3) states that the power to make regulations under this section includes the power to make consequential, supplementary or incidental provision or transitional, transitory or saving provision.
- 50 Subsection (5) specifies that regulations made under this section are subject to the affirmative resolution procedure.
- 51 Subsection (6) is a 'sunset' provision which specifies that the power under section 2 will expire after a period of 5 years from the day on which the section comes into force.
- 52 This section enables the Secretary of State to amend the 1978 Act, the 2000 Act and the 2004 Regulations in such a way as to prevent them becoming ineffective when the UK’s new safeguards agreements with the IAEA, the Voluntary Offer Agreement and Additional Protocol, come into force. The power allows the legislation to be amended as a consequence of those new agreements with the IAEA. This section does not confer discretion on the Secretary of State to change the substance of what is permitted by the 1978 Act, 2000 Act or the 2004 Regulations.

Section 3: Report on nuclear safeguards

- 53 Section 3 requires the Secretary of State to prepare a report for Parliament containing information about nuclear safeguards for each three month period in the year after the Act is passed. Each report must be laid before Parliament after the three month period to which it relates.
- 54 Subsection (2) provides that information about nuclear safeguards includes information about international arrangements and domestic arrangements in the United Kingdom. For example, reports could include information on the development of the domestic operational arrangements required for the new domestic safeguards regime, such as those being put in place by the Office for Nuclear Regulation.
- 55 Subsection (3) provides that the reports may also include information on future arrangements with Euratom including on nuclear research and development and the import and export of qualifying nuclear material.

Section 4: Request for continuation of existing agreements

- 56 Section 4 requires the Secretary of State to make a relevant request (as defined in subsection (4)) to the European Council if neither of two conditions is met at the beginning of the period of 28 days ending with exit day (as defined in the European Union (Withdrawal) Act 2018).

- 57 Subsection (2) sets out the first condition (Condition 1), namely that all of the principal international agreements (as defined in subsection 5) have been signed. This includes bilateral agreements with the IAEA that relate to nuclear safeguards, as well as agreements relating to nuclear safeguards between the UK and, respectively, the governments of Australia, Canada, Japan and the United States of America.
- 58 Subsection (3) sets out the second condition (Condition 2), namely that for any principal international agreements that have not been signed, arrangements for the corresponding Euratom arrangements (as defined in subsection (6)) to continue to have effect in relation to the UK have been made or will be made before exit day.
- 59 Subsection (4) sets out the detail of the relevant request to the European Council which the Secretary of State is required to make if neither of Conditions 1 and 2 is met. Specifically, the request is, in respect of any principal international agreements for which Conditions 1 and 2 are not satisfied, for the corresponding Euratom arrangements to continue to have effect in relation to the UK after exit day until one of the conditions specified in subsection (4) is satisfied.
- 60 Subsection (7) defines the meaning of “exit day” (as used in subsection (1)), “the Safeguards Agreement” and “the Additional Protocol” (as used in subsection (6)), and “signed” (as used in subsection (2)).

Section 5: Extent

- 61 The Nuclear Safeguards Act extends to England and Wales, Scotland and Northern Ireland, and amendments made by this Act to the 2013 Act have the same extent within the United Kingdom as the provision they have amended. More information about the extent of the Nuclear Safeguards Act can be found in paragraphs 24 to 28 above.

Section 6: Commencement

- 62 Section 6 provides for sections 3, 5, 6 and 7 to commence on Royal Assent. The main provisions of the nuclear Safeguards Act, under sections 1, 2, 4 and the Schedule, will be commenced on such day or days appointed by the Secretary of State in regulations. The Secretary of State may appoint different days for different purposes and the regulations may include transitional, transitory or saving provision (subsection (3)) and specify a particular time of day (subsection (4)).

Section 7: Short title

- 63 Section 7 is self-explanatory.

Schedule: Minor and consequential amendments

- 64 The Schedule contains minor and consequential amendments to ensure that the United Kingdom’s new domestic civil nuclear safeguards regime will be able to operate properly.
- 65 All of the amendments contained in the Schedule, apart from the last amendment, relate to the 2013 Act. They include:
- a. allowing the ONR to make proposals to the Secretary of State about regulations under section 76A (paragraph 3);
 - b. ensuring that the ONR must make adequate arrangements for the enforcement of nuclear safeguards regulations (paragraph 4);
 - c. adding nuclear safeguards regulations to the definition of “relevant statutory provisions” in section 82(2) (also paragraph 4);

- d. removing the duty of the ONR in relation to nuclear safeguards contained in section 93 because the effect of the duty is replicated by section 72(b) and section 78 (paragraph 6);
- e. extending the duty of employers at work to help persons subject to obligations under nuclear safeguards regulations to comply with them (the amendments to sections 102 and 104 in paragraphs 7 and 8);
- f. setting out the parliamentary scrutiny procedures that will govern regulation-making powers inserted by the Act (paragraph 9);
- g. extending the review period for Part 3 of the 2013 Act from 5 years to 7 years - without this change the duty to review Part 3 would arise shortly before the United Kingdom withdrew from Euratom and before the changes made by the Act would come into force (paragraph 10);
- h. extending the power for inspectors appointed by the ONR to issue improvement notices to non-compliance in relation to nuclear safeguards (paragraph 11);
- i. updating the information sharing gateway that applies in relation to nuclear safeguards as a consequence of the changes made by the Act (paragraph 12); and
- j. changing the reference in the 2000 Act from “colony” to “British overseas territory” (paragraph 13).

Commencement

- 66 Sections 3, 5, 6 and 7 come into force on the day this Act is passed. The main provisions of the Nuclear Safeguards Act will be commenced on such day (or time of day) as the Secretary of State may appoint in regulations.

Related documents

67 The following documents are relevant to the Act and can be read at the stated locations online:

- Impact Assessment
<https://services.parliament.uk/bills/2017-19/nuclearsafeguards/documents.html>
- Delegated Powers and Regulatory Reform Committee Memorandum
<https://services.parliament.uk/bills/2017-19/nuclearsafeguards/documents.html>
- Delegated Powers and Regulatory Reform Committee Thirteenth Report
<https://publications.parliament.uk/pa/ld201719/ldselect/lddelreg/77/7702.htm>
- Draft Regulations (“The Nuclear Safeguards (Civil Activities, Fissionable Material and Relevant International Agreements) Regulations 20--” and “The Nuclear Safeguards Regulations 20--”) and Explanatory Note
<https://www.gov.uk/government/publications/nuclear-safeguards-bill-draft-regulations>
- Euratom Treaty
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012A%2FTXT>
- Euratom Regulation No 302/2005
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32005R0302>
- IAEA Voluntary Offer Agreement
<https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc263.pdf>
- IAEA Additional Protocol
<https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc263a1.pdf>
- Treaty on the Non-Proliferation of Nuclear Weapons
<https://web.archive.org/web/20070807060917/http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc140.pdf>
- Nuclear Safeguards and Electricity (Finance) Act 1978
<http://www.legislation.gov.uk/ukpga/1978/25/contents>
- Nuclear Safeguards Act 2000 <http://www.legislation.gov.uk/ukpga/2000/5/contents>
- Nuclear Safeguards (Notification) Regulations 2004
<http://www.legislation.gov.uk/uksi/2004/1255/made>

Annex A - Territorial extent and application in the United Kingdom

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
1 Nuclear Safeguards	Yes*	Yes*	Yes*	Yes*
2 Power to amend legislation relating to nuclear safeguards	Yes*	Yes*	Yes*	Yes*
3 Report on nuclear safeguards	Yes	Yes	Yes	Yes
4 Request for continuation of existing agreements	Yes	Yes	Yes	Yes
5 Extent	Yes	Yes	Yes	Yes
6 Commencement	Yes	Yes	Yes	Yes
7 Short title	Yes	Yes	Yes	Yes
Schedule	Yes	Yes	Yes	Yes

*See Sections 5(2) and 5(3) of the Act

Annex B - Hansard References

68 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Bill Print & Explanatory Notes	Hansard Reference
<i>House of Commons</i>			
Introduction	11 October 2017	HC Bill 109 Bill 109-EN 2017-19	Vol. 629 No. 31 Col. 344
Second Reading	16 October 2017	HC Bill 109 Bill 109-EN 2017-19	Vol.629 No. 33 Col. 617
Public Bill Committee	31 October 2016 2 November 2018 14 November 2018	HC Bill 109 Bill 109-EN 2017-19	1st sitting PBC (Bill 109) 2017 - 2019 Col. 1 2nd sitting PBC (Bill 109) 2017 - 2019 Col. 23 3rd sitting PBC (Bill 109) 2017 – 2019 Col. 45 4th sitting PBC (Bill 109) 2017 – 2019 Col. 67 5th sitting PBC (Bill 109) 2017 - 2019 Col. 99 6th sitting PBC (Bill 109) 2017 – 2019 Col. 125
Report and Third Reading	23 January 2018	HC Bill 109 Bill 109-EN 2017-19	Vol. 635 No.84 Col. 161
<i>House of Lords</i>			
Introduction	24 January 2018	HL Bill 81 HL Bill 81 Explanatory Notes	Vol. 788 No. 85 Col. 1023
Second Reading	7 February 2018	HL Bill 81 HL Bill 81 Explanatory Notes	Vol. 788 No. 94 Col. 2022
Grand Committee	22 February 2018 1 March 2018	HL Bill 81 HL Bill 81 Explanatory Notes	1st sitting Vol. 789 No. 98 Col. 282 1st sitting - continued Vol. 789 No. 98 Col. 282 2nd sitting Vol. 789 No. 103 Col. 771
Report	20 March 2018	HL Bill 81 HL Bill 81 Explanatory Notes	Vol. 790 No. 113 Col. 189
Third Reading	27 March 2018	HL Bill 91	Vol. 790 No. 118 Col. 729
Commons Consideration of Lords Amendments	8 May 2018	Bill 194 2017-19 (Lords Amendments) Bill 194 EN 2017-19	Vol. 640 No. 134 Col. 600
Lords Consideration of Commons Amendment in lieu	6 June 2018	HL Bill 103 Commons amendment in lieu	Vol. 791 No. 148 Col. 1317
Royal Assent	26 June 2018		House of Commons Vol. 643 Col. 735 House of Lords Vol.792 Col. 95

These Explanatory Notes relate to the Nuclear Safeguards Act 2018 (c. 15) which received Royal Assent on 26 June 2018

Annex C - Progress of Bill Table

69 This Annex shows how each section and Schedule of the Act was numbered during the passage of the Bill through Parliament.

Section of the Act	Bill as Introduced in the Commons	Bill as introduced in the Lords	Bill as amended on Report in the Lords
Section 1 Nuclear Safeguards	Clause 1	Clause 1	Clause 1
Section 2 Power to amend legislation relating to nuclear safeguards	Clause 2	Clause 2	Clause 3
Section 3 Report on nuclear safeguards	N/A	N/A	Clause 4
Section 4 Request for continuation of existing arrangements (introduced at Commons Consideration of Lords Amendments)	N/A	N/A	N/A
Section 5 Extent	Clause 3	Clause 3	Clause 5
Section 6 Commencement	Clause 4	Clause 4	Clause 6
Section 7 Short Title	Clause 5	Clause 5	Clause 7
Schedule	Schedule	Schedule	Schedule

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