



Energy Act 2013

2013 CHAPTER 32

PART 3

NUCLEAR REGULATION

[^{F1}CHAPTER 2A

NUCLEAR SAFEGUARDS

Textual Amendments

F1 Pt. 3 Ch. 2A inserted (26.10.2018) by [Nuclear Safeguards Act 2018 \(c. 15\)](#), ss. 1(2), 6(2); S.I. 2018/1079, reg. 2(a)

76A Nuclear safeguards regulations

- (1) The Secretary of State may by regulations (“nuclear safeguards regulations”) make provision for the purpose 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 provisions of a relevant international agreement.
- (2) The regulations may, for example, make provision relating to—
 - (a) record-keeping or accounting;
 - (b) the provision or publication of information;
 - (c) inspection or monitoring;
 - (d) imports or exports;
 - (e) the design of qualifying nuclear facilities or equipment;
 - (f) the production, processing, use, handling, storage or disposal of qualifying nuclear material or equipment.

Changes to legislation: Energy Act 2013, CHAPTER 2A is up to date with all changes known to be in force on or before 19 March 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

- (3) The following apply in relation to nuclear safeguards regulations as they apply in relation to nuclear regulations—
 - section 74(3) to (5) (nuclear regulations),
 - section 75 (offences),
 - section 76 (civil liability), and
 - paragraphs 2 to 16 of Schedule 6 (examples of provision that may be made by nuclear regulations).
- (4) Nothing in nuclear safeguards regulations applies in relation to anything done for defence purposes (within the meaning of section 70).
- (5) The provision that may be made by nuclear safeguards regulations by virtue of section 113(7) includes provision modifying [^{F2}assimilated] law (within the meaning of the European Union (Withdrawal) Act 2018).
- (6) In this section—
 - “civil activities” means—
 - (a) production, processing or storage activities which are carried on for peaceful purposes;
 - (b) electricity generation carried on for peaceful purposes;
 - (c) decommissioning;
 - (d) research and development carried on for peaceful purposes;
 - (e) any other activity carried on for peaceful purposes;
 - “equipment” has the meaning given by section 70(3);
 - “qualifying nuclear equipment” means equipment designed or adapted for use in connection with qualifying nuclear material or a qualifying nuclear facility;
 - “qualifying nuclear facility” means a facility (including associated buildings) in which qualifying nuclear material is produced, processed, used, handled, stored or disposed of;
 - “qualifying nuclear material” means—
 - (a) fissionable material specified in regulations under subsection (7),
 - (b) source material in the form of—
 - (i) uranium metal, alloy or compound, or
 - (ii) thorium metal, alloy or compound, or
 - (c) ore containing a substance from which a source material falling within paragraph (b) is capable of being derived.
- (7) The Secretary of State may by regulations specify fissionable material for the purposes of the definition of “qualifying nuclear material”.
- (8) Before making any regulations under this section, the Secretary of State must consult—
 - (a) the ONR, and
 - (b) such other persons (if any) as the Secretary of State considers it appropriate to consult.
- (9) Subsection (8)(a) does not apply if the regulations give effect, without modification, to proposals submitted by the ONR under section 81(1)(a)(ia).

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Textual Amendments

- F2** Word in [s. 76A\(5\)](#) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 79](#)

76B Payments in respect of compliance costs

- (1) The Secretary of State may by regulations authorise or require the ONR to make payments towards compliance costs.
- (2) “Compliance costs” means costs of complying with nuclear safeguards regulations or with specified provisions of nuclear safeguards regulations.
- (3) Regulations under subsection (1) may provide that payments are authorised or required to be made only in specified circumstances.
- (4) The ONR is responsible for determining the amounts of payments in accordance with any provision made by regulations under subsection (1).
- (5) In this section, “specified” means specified in regulations under subsection (1).]

Changes to legislation:

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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\(4\)](#)