



# Energy Act 2023

## 2023 CHAPTER 52

### PART 14

#### CIVIL NUCLEAR SECTOR

### CHAPTER 1

#### CIVIL NUCLEAR SITES

PROSPECTIVE

#### **303 Decommissioning of nuclear sites etc**

- (1) The Nuclear Installations Act 1965 is amended as follows.
- (2) In section 1 (restriction of certain nuclear installations to licensed sites), after subsection (12) (inserted by [section 302](#) of this Act) insert—
  - “(13) The reference in subsection (1) to operating a nuclear reactor or an installation of a prescribed kind includes a reference to decommissioning a nuclear reactor or such an installation.”
- (3) In section 3 (grant and variation of nuclear site licences)—
  - (a) in subsection (12)(b), for the words from “there” to the end substitute “the applicable condition or conditions set out in [section 3A](#) are met.”;
  - (b) after subsection (12) insert—
    - “(12A) The appropriate national authority must consult the Health and Safety Executive before varying a nuclear site licence under subsection (12).”
- (4) After section 3 insert—

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 303. (See end of Document for details)*

### **“3A Exclusion of part of site from licence: applicable conditions**

- (1) This section sets out the applicable condition or conditions for excluding any part of a licensed site (“the relevant part”) from a nuclear site licence.
- (2) Where a prescribed disposal installation is or has at any time been situated within the relevant part, the applicable condition is that there is no danger from ionising radiations from anything on the relevant part.
- (3) Where any nuclear installation, other than a prescribed disposal installation, is or has at any time been situated within the relevant part, the applicable conditions (subject to [subsection \(5\)](#)) are that—
  - (a) the use of any such installation within the relevant part has permanently ceased,
  - (b) appropriate measures for the containment and control of any remaining radioactivity are in place,
  - (c) the relevant part meets the radioactivity exclusion criteria and the dose exclusion criteria, and
  - (d) it is no longer necessary or desirable in the interests of safety for a nuclear site licence to be in force in respect of the relevant part.
- (4) In any other case, the applicable conditions (subject to [subsection \(5\)](#)) are that—
  - (a) the relevant part meets the dose exclusion criteria, and
  - (b) it is no longer necessary or desirable in the interests of safety for a nuclear site licence to be in force in respect of the relevant part.
- (5) In a case to which, but for this subsection, [subsection \(3\)](#) or [subsection \(4\)](#) would apply, the licensee may elect that the condition set out in [subsection \(2\)](#) is to apply to the relevant part (instead of the conditions in [subsection \(3\)](#) or [subsection \(4\)](#)).
- (6) In this section—
 

“2014 Decision” means the Decision and Recommendation of the Steering Committee Concerning the Application of the Paris Convention to Nuclear Installations in the Process of Being Decommissioned, published on 30 October 2014 by the Steering Committee for Nuclear Energy of the Nuclear Energy Agency of the Organisation for Economic Co-operation and Development;

“dose exclusion criteria” means the criteria described in paragraph 3(b) of the Appendix to the 2014 Decision;

“prescribed disposal installation” means an installation—

  - (a) designed or adapted for the disposal of nuclear matter, and
  - (b) of a kind prescribed under section 1(1)(b) at any time after [section 303](#) of the Energy Act 2023 comes into force;

“radioactivity exclusion criteria” means the criteria described in paragraph 3(a) of the Appendix to the 2014 Decision;

“safety”, in relation to the relevant part of a site, is to be construed in accordance with section 4(2).”

- (5) In section 5 (revocation and surrender of licences)—
  - (a) in the heading, omit “and surrender”;

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 2023, Section 303. (See end of Document for details)*

- (b) in subsection (1)—
    - (i) omit the “or” after paragraph (a);
    - (ii) omit paragraph (b);
  - (c) in subsection (2), after “consult” insert “the Health and Safety Executive and”;
  - (d) in subsection (3), omit “or surrendered”;
  - (e) in subsection (15)(a), for the words from “that in the authority’s opinion” to the end substitute “—
    - (i) as respects the licensee’s period of responsibility for the licensed site, that in the authority’s opinion each part of the site meets the condition or conditions set out in [section 5A](#) that apply in relation to that part of the site, or
    - (ii) as respects the licensee’s period of responsibility for any part of the site, that in the authority’s opinion the part in question meets the condition or conditions set out in [section 5A](#) that apply in relation to that part.”;
  - (f) after subsection (15)(b) insert—
    - “(ba) the date when a person (whether the licensee or some other person) becomes the operator of a relevant disposal site comprising the site in question or, as the case may be, that part of it;
    - (bb) the date when the site or, as the case may be, the part of it in question becomes an excluded disposal site.”.
- (6) After section 5 insert—

**“5A End of period of responsibility: applicable conditions**

- (1) This section sets out the applicable condition or conditions for determining when a licensee’s period of responsibility for a part of a licensed site (“the relevant part”) ends under section 5(15)(a)(i) or (ii).
- (2) Where a prescribed disposal installation or a licensed disposal site is or has at any time been situated within the relevant part, the applicable condition is that there is no danger from ionising radiations from anything on the relevant part.
- (3) Where any nuclear installation, other than a prescribed disposal installation, is or has at any time been situated within the relevant part, the applicable conditions (subject to [subsection \(5\)](#)) are that—
  - (a) the use of any such installation within the relevant part has permanently ceased,
  - (b) appropriate measures for the containment and control of any remaining radioactivity are in place, and
  - (c) the relevant part meets the radioactivity exclusion criteria and the dose exclusion criteria.
- (4) In any other case, the applicable condition (subject to [subsection \(5\)](#)) is that the relevant part meets the dose exclusion criteria.
- (5) In a case to which, but for this subsection, subsection (3) or (4) would apply, the licensee may elect that the condition set out in subsection (2) is to apply to the relevant part (instead of the conditions in subsection (3) or (4)).

*Status: This version of this provision is prospective.*

**Changes to legislation:** *There are currently no known outstanding effects for the Energy Act 2023, Section 303. (See end of Document for details)*

(6) In this section—

“2014 Decision” means the Decision and Recommendation of the Steering Committee Concerning the Application of the Paris Convention to Nuclear Installations in the Process of Being Decommissioned, published on 30 October 2014 by the Steering Committee for Nuclear Energy of the Nuclear Energy Agency of the Organisation for Economic Co-operation and Development;

“dose exclusion criteria” means the criteria described in paragraph 3(b) of the Appendix to the 2014 Decision;

“licensed disposal site” means a site that would be, or would at any time have been, a relevant disposal site but for section 7B(5)(a) (nuclear site licence granted in respect of site);

“prescribed disposal installation” means an installation—

- (a) designed or adapted for the disposal of nuclear matter, and
- (b) of a kind prescribed under section 1(1)(b) at any time after [section 303](#) of the Energy Act 2023 comes into force;

“radioactivity exclusion criteria” means the criteria described in paragraph 3(a) of the Appendix to the 2014 Decision.”

(7) In section 7B (duties in respect of relevant disposal sites)—

(a) after subsection (2) insert—

“(2A) The operator of a site that would be a relevant disposal site but for subsection (5)(a) is to be treated for the purposes of subsection (2)(a) (ii) as becoming the operator of the site on the date when—

- (a) the nuclear site licence in question is varied under section 3(12) to exclude the site from it, or
- (b) the nuclear site licence in question is revoked under section 5(1).”;

(b) in subsection (5)(a), after “granted” insert “(subject to subsection (5A))”;

(c) after subsection (5) insert—

“(5A) Subsection (5)(a) does not apply where a licence has ceased to be in force in respect of the site as a result of section 3(12) (exclusion of part of site from licence) or section 5(1) (revocation of licence).”

(8) In section 27(1) (application of Act to Northern Ireland), after paragraph (a) insert—

“(aa) a reference to the Health and Safety Executive is to be construed as a reference to the Health and Safety Executive for Northern Ireland.”

**Commencement Information**

**II** S. 303 not in force at Royal Assent, see [s. 334\(1\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Energy Act 2023, Section 303.