



Energy Act 2013

2013 CHAPTER 32

PART 3

NUCLEAR REGULATION

CHAPTER 2

NUCLEAR REGULATIONS

74 Nuclear regulations

- (1) The Secretary of State may make regulations (to be known as “nuclear regulations”) for any of the following purposes—
 - (a) the nuclear safety purposes;
 - (b) the nuclear security purposes;
 - (c) the nuclear safeguards purposes;
 - (d) the transport purposes.
- (2) Schedule 6 (which gives examples of particular kinds of provision that may be made by nuclear regulations) has effect.
- (3) Nuclear regulations may—
 - (a) confer functions on the ONR;
 - (b) create powers which inspectors may be authorised to exercise by their instruments of appointment under paragraph 2 of Schedule 8;
 - (c) create offences (as to which see section 75);
 - (d) modify—
 - (i) any of the provisions of the Nuclear Installations Act 1965 that are relevant statutory provisions;
 - (ii) any provision of the Nuclear Safeguards Act 2000;

Status: This is the original version (as it was originally enacted).

- (e) provide for exemptions (including conditional exemptions) from any prohibition or requirement imposed by or under any of the relevant statutory provisions;
 - (f) provide for defences in relation to offences under any of the relevant statutory provisions;
 - (g) provide for references in the regulations to any specified document to operate as references to that document as revised or re-issued from time to time.
- (4) Provision that may be included by virtue of subsection (3)(a) includes, in particular,—
- (a) provision requiring compliance with directions by the ONR;
 - (b) provision conferring power for the ONR to authorise other persons to exercise functions relating to the grant of exemptions of a kind mentioned in subsection (3)(e).
- (5) Nuclear regulations may make provision—
- (a) applying to acts done outside the United Kingdom by United Kingdom persons;
 - (b) for enabling offences under any of the relevant statutory provisions to be treated as having been committed at any specified place for the purpose of conferring jurisdiction on any court in relation to any such offence.
- (6) In subsection (5) “United Kingdom person” means—
- (a) an individual who is—
 - (i) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (ii) a person who under the British Nationality Act 1981 is a British subject, or
 - (iii) a British protected person within the meaning of that Act,
 - (b) a Scottish partnership, or
 - (c) a body incorporated under the law of any part of the United Kingdom.
- (7) Before making nuclear regulations, the Secretary of State must consult—
- (a) the ONR,
 - (b) if the regulations would modify any provision of health and safety regulations (within the meaning of Part 1 of the 1974 Act), the Health and Safety Executive, and
 - (c) such other persons (if any) as the Secretary of State considers it appropriate to consult.
- (8) Subsection (7)(a) does not apply if the regulations give effect, without modification, to proposals submitted by the ONR under section 81(1)(a)(i).
- (9) Nuclear regulations which include any provisions to which any paragraph of subsection (10) applies must identify those provisions as such.
- (10) This subsection applies to any provisions of nuclear regulations which are made for—
- (a) the nuclear security purposes,
 - (b) the nuclear safeguards purposes, or
 - (c) both of those purposes,
- and for no other purpose.
- (11) In this section (and Schedule 6) “specified” means specified in nuclear regulations.