

2018 No. 1079 (C. 83)

NUCLEAR SAFEGUARDS

**The Nuclear Safeguards Act 2018 (Commencement No. 1)
Regulations 2018**

Made - - - - *11th October 2018*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 6(2) of the Nuclear Safeguards Act 2018(a).

Citation

1. These Regulations may be cited as the Nuclear Safeguards Act 2018 (Commencement No. 1) Regulations 2018.

Provisions coming into force on 26th October 2018

2. The following provisions of the Nuclear Safeguards Act 2018 come into force on 26th October 2018—

- (a) section 1(2) to 1(4);
- (b) paragraphs 1, 3, 5, 9, 10 and 13 of the Schedule and section 1(5) in so far as it relates to those paragraphs;
- (c) section 2; and
- (d) section 4.

11th October 2018

Richard Harrington
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Nuclear Safeguards Act 2018 c. 15 (“the Act”).

Sections 3, 5, 6 and 7 of the Act came into force on the day on which the Act was passed.

Regulation 2 provides that sections 1(2) to (4), 2 and 4 of the Act, together with paragraphs 1, 3, 5, 9, 10 and 13 of the Schedule and section 1(5), in so far as it relates to those paragraphs, come into force on the 26th October 2018.

Sections 1(2) and (3) of the Act amend the Energy Act 2013(a) (“the Energy Act”). Section 1(2) inserts two new sections into the Energy Act. These are sections 76A (Nuclear safeguards regulations) and 76B (Payments in respect of compliance costs). New section 76A(5) of the Energy Act has the effect that any regulations made by the Secretary of State under section 76A may make consequential amendments to “retained EU law” as defined in section 6(7) of the European Union (Withdrawal) Act 2018.

Section 1(3) amends section 112 of the Energy Act (interpretation) inserting new definitions of “nuclear safeguards regulations” and “relevant international agreement”.

Section 1(4) provides that the new consultation requirements may be satisfied by consultation carried out before the Act was passed.

Section 1(5) makes provision in relation to the Schedule (minor and consequential amendments) to the Act. Section 1(5) is commenced, in so far as it relates to paragraphs 1, 3, 5, 9,10 and 13 of the Schedule. The six paragraphs of the Schedule, which commence on 26th October 2018, are paragraphs 1 (which provides for the amendment of Part 3 of the Energy Act), 3 (which amends section 81 of that Act), 5 (which amends section 84 of that Act), 9 (which amends section 113 of that Act), 10 (which amends section 118 of that Act) and 13 (which amends section 12(4) of the Nuclear Safeguards Act 2000(b)).

Section 2 provides the Secretary of State with a power to amend the Nuclear Safeguards and Electricity (Finance) Act 1978(c), the Nuclear Safeguards Act 2000 and the Nuclear Safeguards (Notification) Regulations 2004(d) in consequence of a relevant safeguards agreement. A relevant safeguards agreement is defined in section 2(2) as an agreement (whether or not ratified) which relates to nuclear safeguards and to which the United Kingdom and the International Atomic Energy Agency (“IAEA”) are parties. The United Kingdom signed an Agreement and Additional Protocol with the IAEA on 7 June 2018. Section 2(6) provides that regulations may only be made under this section for a period of five years.

Section 4 provides that if, at the beginning of a 28 day period which ends on exit day, a principal international agreement is not signed and arrangements for the corresponding Euratom arrangements to continue to have effect in relation to the United Kingdom after exit day have not been made, the Secretary of State must make a request to the European Council for corresponding Euratom arrangements to continue to have effect until the principal international agreement comes into force or arrangements have been made for the corresponding Euratom arrangements to have effect in relation to the United Kingdom until further notice. The “principal international agreements” are safeguards agreements between the United Kingdom and the International Atomic Energy Agency and between the United Kingdom and each of the United States of America, Canada, Japan and Australia. “Exit day” has the meaning set out in section 20 of the European Union (Withdrawal) Act 2018.

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(a) 2013 c.32.
(b) 2000 c.5.
(c) 1978 c.25.
(d) S.I. 2004/1255.

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