

# NUCLEAR SAFEGUARDS BILL

## EXPLANATORY NOTES ON LORDS AMENDMENTS

### What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the Nuclear Safeguards Bill as brought from the House of Lords on 28 March 2018.
- 2 These Explanatory Notes have been prepared by the Department for Business, Energy and Industrial Strategy in order to assist the reader of the Bill and the Lords amendments, and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords amendments themselves, refer to HL Bill 81, the Bill as first printed for the Lords on the 24th January 2018.
- 4 These Explanatory Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords amendments.
- 5 Lords Amendments 1, 2, 4, 6 and 7 were tabled in the name of the Minister.
- 6 Lords Amendment 5 was tabled in the name of the Minister but includes an amendment by Lord Grantchester, Baroness Featherstone, Lord Hunt of Kings Heath and Lord Broers, which was opposed by the Government.
- 7 Lords Amendment 3 was tabled by Lord Broers, Lord Teverson, Lord Grantchester and Lord Hunt of Kings Heath, and was opposed by the Government.
- 8 In the following Commentary, an asterisk (\*) appears in the heading of any paragraph that deals with a non-Government amendment.

### Commentary on Lords amendments

#### Lords Amendments to Clause 1: Nuclear safeguards

##### Lords Amendments 1 and 2

- 9 Lords Amendment 1 would remove the power in the Bill enabling the Secretary of State to make regulations to specify activities that are, or are not, to be treated as "civil activities".
- 10 Lords Amendment 2 would set out a definition of "civil activities" on the face of the Bill. This amendment would set out a list of activities that make up that definition.

## **Lords Amendment (New Clause) after Clause 1: Agreements required before withdrawal**

### **Lords Amendment 3\***

- 11 Lords Amendment 3 would provide that if any of the specific agreements listed (see new subsection (3)) are not in place on 1 March 2019, a Minister of the Crown must request, as part of the negotiations regarding withdrawal from the European Atomic Energy Community Treaty ("Euratom), that the withdrawal of the United Kingdom from Euratom is suspended.
- 12 The Amendment would require the request to be for such a suspension until either the specific agreements listed (see new subsection (3)) are in place, or other arrangements have been made to continue to benefit from existing nuclear safeguards arrangements until those agreements are in place.

## **Lords Amendment to Clause 2: Power to amend legislation relating to nuclear safeguards**

### **Lords Amendment 4**

- 13 Lords Amendment 4 would introduce a 'sunset' provision such that the power to amend existing legislation in Clause 2 would expire after a period of 5 years from the day on which the clause comes into force.

## **Lords Amendment (New Clause) after Clause 2: Report on nuclear safeguards**

### **Lords Amendment 5\***

- 14 Lords Amendment 5 would require the Secretary of State to prepare a report to 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.
- 15 New subsection (2) would provide 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.
- 16 New subsection (3) would provide 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.

## **Lords Amendments to Clause 4: Commencement**

### **Lords Amendment 6**

- 17 This amendment would require that the new clause introduced by Lords Amendment 5 (report on nuclear safeguards) is commenced on the day the Act is passed.

These Explanatory Notes relate to the Lords Amendments to the Nuclear Safeguards Bill as brought from the House of Lords on 28 March (Bill 194)

## **Lords Amendment to the Schedule: Minor and consequential amendments**

### **Lords Amendment 7**

- 18 Lords Amendment 7 would amend the Schedule to remove the application of the draft affirmative parliamentary scrutiny process to the power that is being removed by Lords Amendment 1.

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Ordered by the House of Commons to be printed, 28 March 2018

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