

Nuclear Safeguards Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Before Clause 1

BARONESS FEATHERSTONE
LORD FOX
LORD TEVERSON

1★

Insert the following new Clause—

“Associate membership of Euratom

- (1) In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union on the future of nuclear safeguards in the United Kingdom, Ministers of the Crown must have regard to the desirability of becoming an associate member of Euratom.
- (2) The Secretary of State must lay before both Houses of Parliament a written statement detailing the progress towards achieving the negotiating objective under subsection (1)—
 - (a) one month,
 - (b) five months, and
 - (c) nine months,after the passing of this Act.
- (3) In the event that the United Kingdom becomes an associate member of Euratom, sections 1 and 2 of this Act cease to have effect.”

LORD WARNER

2★

Insert the following new Clause—

“Review of withdrawal from Euratom

- (1) The Secretary of State must, in consultation with relevant interests, by 31 December 2018, lay before both Houses of Parliament—

Before Clause 1 - continued

- (a) a report on the progress of discussions with Euratom on the scope and conditions for a form of association with Euratom that does not extend to full membership but which minimises the changes to current arrangements for nuclear safeguards; and
 - (b) a report on the legislative changes that would be necessary to introduce arrangements described in paragraph (a).
- (2) The report under paragraph (1)(a) must cover—
- (a) the future application of Euratom safeguarding standards;
 - (b) the future of nuclear research and development activities within a Euratom framework;
 - (c) aspects of future working with Euratom members in relation to the civil nuclear supply chain so far as this depends on UK membership of Euratom;
 - (d) the supply to the United Kingdom of medical radioisotopes and their use and disposal so far as this depends on UK membership of Euratom.”

Clause 1

LORD GRANTCHESTER
LORD HUNT OF KINGS HEATH

3 Page 1, line 23, at end insert—

“(c) ensuring that inspections of nuclear material, facilities and equipment for the purpose of nuclear safeguards continue at the frequency and standard established by UK membership of Euratom.”

LORD WARNER
LORD HUNT OF KINGS HEATH
LORD GRANTCHESTER

4 Page 2, line 15, at end insert—

“(3A) No regulations may be made under this section unless the Secretary of State has laid before both Houses of Parliament a statement certifying that, in his or her opinion, it is no longer possible to retain membership of Euratom or establish an association with Euratom that permits the operation of nuclear safeguarding activity through its administrative arrangements.”

LORD GRANTCHESTER
LORD HUNT OF KINGS HEATH

5 Page 2, leave out lines 18 and 19

6 Page 2, line 23, at end insert—

““civil activities” means those activities which are carried out in relation to qualifying nuclear material, equipment or facilities including, without limitation—

- (a) the generation of nuclear power;

Clause 1 - continued

- (b) the conversion, processing, reprocessing, enrichment, isotopic separation, manufacture, measurement, milling, transport, storage and decommissioning of qualifying nuclear material;
 - (c) research and development; and
 - (d) activities associated with those specified in this paragraph,
- but do not include those activities which are carried out for defence purposes (within the meaning of section 70).”

BARONESS FEATHERSTONE
LORD FOX
LORD TEVERSON

7 Page 2, leave out lines 41 to 45 and insert –

- “(9) Before making any regulations under this section, the Secretary of State must –
- (a) consult –
 - (i) the ONR,
 - (ii) the International Atomic Energy Agency,
 - (iii) the National Audit Office,
 - (iv) such other persons, if any, as the Secretary of State considers it appropriate to consult, and
 - (b) lay before Parliament a written statement declaring that, after consultation with the above parties, the Secretary of State is satisfied that the ONR –
 - (i) has sufficient staffing and financial resources to implement nuclear safeguards regulations, and
 - (ii) is sufficiently independent to implement nuclear safeguards regulations.
- (9A) The statement under subsection 9(b) must be laid before both Houses of Parliament.”

LORD GRANTCHESTER
LORD HUNT OF KINGS HEATH

8 Page 4, line 3, at end insert –

- “() In section 156 of that Act (commencement), after subsection (3) insert –
- “(3A) Section 112(1B) expires at the end of the period of two years beginning with the day on which that section comes into force.””

After Clause 1

LORD TEVERSON
 BARONESS FEATHERSTONE
 LORD FOX

9 Insert the following new Clause—

“Agreements required before withdrawal

- (1) In the event that any of the agreements listed in subsection (2) are not in place on 1 March 2019, the Secretary of State must ask the International Atomic Energy Agency and the European Atomic Energy Community for a transition period during which the United Kingdom can continue to benefit from existing nuclear safeguard agreements until the relevant agreements are in place.
- (2) The relevant agreements are—
 - (a) an agreement between the United Kingdom and the International Atomic Energy Agency recognising the Office of Nuclear Regulation as the approved United Kingdom safeguarding authority in place of the European Atomic Energy Community;
 - (b) a Voluntary Offer Agreement between the United Kingdom and the International Atomic Energy Agency resulting from the United Kingdom no longer being a member of the European Atomic Energy Community; and
 - (c) relevant international agreements with those nations with which the United Kingdom has exercised rights in the last three years as a party to agreements made by the European Atomic Energy Community.”

LORD TEVERSON
 LORD FOX
 BARONESS FEATHERSTONE

10 Insert the following new Clause—

“Freedom of employment for specialists

Article 2(g) of the European Atomic Energy Community Treaty, ensuring freedom of employment for specialists, continues to have effect in UK law in relation to those who work in nuclear safeguarding, after the United Kingdom leaves Euratom.”

LORD HUNT OF KINGS HEATH
 LORD GRANTCHESTER
 LORD WARNER

11★ Insert the following new Clause—

“The ONR to become a Non-Ministerial Government Department

- (1) The Energy Act 2013 is amended as follows.
- (2) In section 74, omit subsection (3)(a).
- (3) In section 77, after subsection (2) insert—
 - “(2A) The functions of the ONR are performed on behalf of the Crown.
 - (2B) In the exercise of its functions the ONR is not subject to the direction or control of any Minister of the Crown or of another government department.

After Clause 1 - continued

- (2C) But subsection (2B) does not affect—
- (a) any provision made by or under any enactment; or
 - (b) any administrative controls exercised over the ONR's expenditure by the Treasury."
- (4) In section 85—
- (a) in subsection (1), omit "with the consent of the Secretary of State"; and
 - (b) omit subsection (3).
- (5) In section 86, omit subsection (6).
- (6) In section 89, omit subsection (6).
- (7) In section 92—
- (a) omit subsections (1) and (2); and
 - (b) in subsection (5) omit "(1) or".
- (8) In section 93—
- (a) omit subsection (2)(d); and
 - (b) omit subsections (3) to (5)."

After Clause 2

LORD WARNER
LORD HUNT OF KINGS HEATH
LORD GRANTCHESTER

12 Insert the following new Clause—

"Transition period

- (1) The Secretary of State must, upon laying before Parliament any statement under section 76A(3A) of the Energy Act 2013, seek to secure a transition period prior to the implementation of withdrawal from Euratom of not less than two years.
- (2) In subsection (1), a "transition period" means a period during which—
 - (a) any conditions under which the United Kingdom is a member of Euratom before exit day continue to apply;
 - (b) any obligations upon the United Kingdom which derive from membership of Euratom before exit day continue to apply;
 - (c) any structures for the United Kingdom's participation in Euratom that are in place before exit are maintained; and
 - (d) any financial commitment to Euratom made by the United Kingdom during the course of the United Kingdom's membership of Euratom before exit day continue to be honoured.
- (3) The Secretary of State must, during a transition period under subsection (1), seek to ensure, so far as this depends on UK membership of Euratom, the timely access of the NHS and its patients to medical radioisotopes."

After Clause 2 - continued

LORD GRANTCHESTER
LORD HUNT OF KINGS HEATH

13 Insert the following new Clause –

“Power to amend legislation: sunset provision

Section 2 of this Act is repealed at the end of the period of two years beginning with the day on which that section comes into force.”

LORD CARLILE OF BERRIEW
LORD FOX

14 Insert the following new Clause –

“Implementation of agreements reached with Euratom on nuclear safeguards

- (1) Before 29 March 2019, the Secretary of State must publish a report which includes the details of any agreements reached with Euratom –
 - (a) to ensure that qualifying nuclear material, facilities and equipment are available for use in the United Kingdom only for civil activities; and
 - (b) to give effect to provisions of relevant international agreements.
- (2) The report under subsection (1) must include details on –
 - (a) any departures from practices in the United Kingdom before withdrawal from Euratom relating to –
 - (i) record-keeping or accounting,
 - (ii) the provision or publication of information,
 - (iii) inspection or monitoring,
 - (iv) imports or exports,
 - (v) the design of qualifying nuclear facilities or equipment, and
 - (vi) the production, processing, use, handling, storage and disposal of qualifying nuclear material or equipment;
 - (b) allowances for circumstances of urgency, including protocols for retrospective authorisation of safeguards in exceptional cases; and
 - (c) continued participation in relevant research projects, so far as they are dependent on UK membership of Euratom.
- (3) The Secretary of State must make regulations providing for the implementation of any agreements covered by subsection (1).
- (4) A statutory instrument containing regulations under subsection (3) may not be made unless a draft of the instrument has been laid before each House of Parliament at the same time as the report under subsection (1) and has been approved by a resolution of each House of Parliament.”

Clause 4

LORD CARLILE OF BERRIEW

15 Page 4, line 38, leave out subsections (1) and (2) and insert –

- “(1) Section (*Implementation of agreements reached with Euratom on nuclear safeguards*), section 3, this section and section 5 come into force on the day on which this Act is passed.

Clause 4 - continued

- (2) The other provisions of this Act come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint, and only after the instrument required by section (*Implementation of agreements reached with Euratom on nuclear safeguards*) has been approved.”

LORD WARNER

16 Page 4, line 41, at end insert –

- “() Regulations to commence sections 1 and 2 of this Act may not be made unless the reports under section (*Review of withdrawal from Euratom*) have been laid before both Houses of Parliament.
- () A statutory instrument containing regulations to commence sections 1 and 2 of this Act may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

LORD GRANTCHESTER
LORD HUNT OF KINGS HEATH

17 Page 5, line 6, at end insert –

- “() No regulations may be made under this section until –
- (a) the Government has laid before Parliament a strategy for maintaining those protections, safeguards, programmes for participation in nuclear research and development, and trading or other arrangements which will lapse as a result of the United Kingdom’s withdrawal from membership of, and participation in, Euratom, and
- (b) the strategy has been considered by both Houses of Parliament.”

18★ Page 5, line 6, at end insert –

- “() Before making regulations under this section the Secretary of State must –
- (a) carry out a consultation on funding arrangements to resource the ONR to regulate a domestic safeguards regime following the United Kingdom's withdrawal from Euratom, and
- (b) lay a report on the outcomes of the consultation before both Houses of Parliament.”

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20 February 2018
