

# NUCLEAR SAFEGUARDS BILL

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Nuclear Safeguards Bill as brought from the House of Commons on 24 January 2018 (HL Bill 81).

- 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 to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

## Table of Contents

Subject	Page of these Notes
<b>Overview of the Bill</b>	<b>2</b>
<b>Policy background</b>	<b>2</b>
<b>Legal background</b>	<b>4</b>
<b>Territorial extent and application</b>	<b>5</b>
<b>Commentary on provisions of Bill</b>	<b>6</b>
Clause 1: Nuclear safeguards	6
Substitution of section 72	6
New Section 76A	6
Section 76B	7
Amendments to section 112 of the Energy Act 2013	7
Supplementary provisions under Clause 1	8
Clause 2: Power to amend legislation relating to nuclear safeguards	8
Clause 3: Extent	8
Clause 4: Commencement	8
Clause 5: Short title	9
Schedule 1: Minor and consequential amendments	9
<b>Commencement</b>	<b>9</b>
<b>Financial implications of the Bill</b>	<b>10</b>
<b>Parliamentary approval for financial costs or for charges imposed</b>	<b>10</b>
<b>Compatibility with the European Convention on Human Rights</b>	<b>10</b>
<b>Equalities</b>	<b>11</b>
<b>Related documents</b>	<b>11</b>
<b>Annex A – Territorial extent and application in the United Kingdom</b>	<b>12</b>

*These Explanatory Notes relate to the Nuclear Safeguards Bill as brought from the House of Commons on 24 January 2018 (HL Bill 81).*

## Overview of the Bill

- 1 The Nuclear Safeguards Bill creates the legal framework for a domestic nuclear safeguards regime to operate in the United Kingdom. This regime will replace the current legal framework provided principally by the United Kingdom's membership of the European Atomic Energy Community ("Euratom"). Nuclear safeguards arrangements enable the United Kingdom to meet international nuclear safeguards standards and engage in certain international civil nuclear activities, including trade and research and development.
- 2 Nuclear safeguards primarily involve reporting and verification processes by which the United Kingdom demonstrates to the international community that civil nuclear material is not diverted into military or weapons programmes. Nuclear safeguards procedures can include accountancy and reporting on civil nuclear material holdings and development plans, verification (including inspections of nuclear facilities by international inspectors), containment measures and surveillance (including cameras in selected facilities). Nuclear safeguards are distinct from nuclear safety (the prevention of nuclear accidents) and nuclear security (physical protection measures), which are the subject of independent regulatory provisions and have separate purposes under the Energy Act 2013 ("the 2013 Act").<sup>1</sup>
- 3 The Bill amends the 2013 Act to replace the existing nuclear safeguards purposes of the Office for Nuclear Regulation ("ONR"). The ONR is the United Kingdom's nuclear regulator. The ONR has five purposes which define its areas of responsibility and where it is able to exercise its functions. Currently, the nuclear safeguards purposes of the ONR are defined by reference to Euratom and existing agreements with the International Atomic Energy Agency ("IAEA") (which also depend on membership of Euratom). The new nuclear safeguards purposes of the ONR as provided for in this Bill will require it to ensure compliance with nuclear safeguards regulations (made by the Secretary of State) and to ensure compliance of the United Kingdom with international agreements relating to nuclear safeguards.
- 4 The Bill provides powers to the Secretary of State to make nuclear safeguards regulations, which will set out the detail of the domestic regime for nuclear safeguards. The regulation-making power may also be used to implement the new international agreements the United Kingdom envisages concluding (for example, with the IAEA).
- 5 The Bill also provides a regulation-making power to the Secretary of State to amend certain legislation (including primary legislation, as set out below) which make reference to parts of the existing agreements on nuclear safeguards between the IAEA and the United Kingdom. These references will need to be updated when the existing agreements with the IAEA are replaced with new ones (which are currently being negotiated).

## Policy background

- 6 On 1 July 1968, the United Kingdom signed the Treaty on the Non-Proliferation of Nuclear Weapons ("NPT"). Under the NPT, the nuclear weapon states (China, France, Russia, the United Kingdom and the United States of America) undertake not to transfer nuclear weapons or any other nuclear explosives devices, and not to support the manufacture or acquisition of such weapons or devices by non-nuclear weapon states. Non-nuclear-weapon states undertake not to acquire or produce nuclear weapons or nuclear explosive devices and to accept international monitoring of their nuclear material by the IAEA pursuant to "full-scope or comprehensive safeguards agreements" entered into with the IAEA.

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<sup>1</sup> See sections 68 and 70 of the 2013 Act.

- 7 The IAEA is the UN-associated body responsible for oversight of the global nuclear non-proliferation regime and nuclear safeguards arrangements. A fundamental principle of the global non-proliferation and nuclear safeguards regime is that the oversight of nuclear safeguards is independent of the country, thereby providing reassurance to international partners that materials from civil nuclear programmes are not used otherwise than for civil activities (and therefore not for weapons purposes). As such, the nuclear weapon states have voluntarily accepted international monitoring of their civil nuclear material, with exemptions for defence purposes, through IAEA safeguards.
- 8 On 1 January 1973, the United Kingdom became a member of Euratom and of the European Community (which has since evolved to become today's European Union). One of Euratom's functions is to implement a system of safeguards to control the use of nuclear materials within EU member states. Consequently, the United Kingdom's current safeguards regime and its main international agreements on nuclear safeguards with the IAEA are fundamentally underpinned by the United Kingdom's membership of Euratom. The United Kingdom's current arrangements with the IAEA are between the United Kingdom, Euratom and the IAEA. New bilateral agreements between the United Kingdom and the IAEA are being negotiated for when Euratom nuclear safeguards arrangements no longer apply to the United Kingdom.
- 9 The European Union (Notification of Withdrawal) Act 2017 received Royal Assent on 16 March 2017.
- 10 On 29 March 2017, the Prime Minister gave notification to the European Commission of the withdrawal of the United Kingdom from the European Union and from Euratom under section 1(1) of the European Union (Notification of Withdrawal) Act 2017.<sup>2</sup>
- 11 Following this notification, the Government set out its intention to legislate to put in place a domestic nuclear safeguards regime operated by the existing nuclear regulator, the ONR. The ONR currently performs inspections on United Kingdom nuclear facilities for a range of safety and security purposes (and it has a complementary role supporting Euratom's and the IAEA's work in respect of nuclear safeguards).
- 12 The new domestic nuclear safeguards regime will be able to replace the current regime operated by Euratom that will cease to have effect in the United Kingdom following the United Kingdom's withdrawal. The Queen's Speech on 21 June 2017 included a Nuclear Safeguards Bill. The Government said:

*"The Bill will establish a UK nuclear safeguards regime as we leave the European Union and Euratom. The Bill will give the Office for Nuclear Regulation powers to take on the role and responsibilities required to meet our international safeguards, and nuclear non-proliferation, obligations."*
- 13 Upon withdrawal from Euratom, the United Kingdom's main agreements with the IAEA will become ineffective (as they are based on Euratom membership) and will need to be renegotiated to provide for the United Kingdom's future safeguards obligations. A new domestic nuclear safeguards regime is therefore essential to ensure the United Kingdom is able to meet the future obligations that are to be negotiated with the IAEA and other states.
- 14 There are no plans to consult formally with members of the public on the contents of the Bill at this stage. This is because the aim of the Bill is to create a legal framework to ensure that the United Kingdom is able to continue to meet its international nuclear non-proliferation and

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<sup>2</sup> In accordance with Article 50(2) of the Treaty on European Union and Article 50 as applied by Article 106a of the Treaty Establishing the European Atomic Energy Community.

nuclear safeguards obligations. There will, however, be a full consultation on the new domestic safeguards regime when this is set out in draft regulations which will detail the scope of the future regime, including specific reporting requirements.

## Legal background

- 15 The Energy Act 2013 established the ONR as the United Kingdom’s independent nuclear regulatory body in 2014 (with certain functions having previously rested with the Health and Safety Executive). The 2013 Act sets out the purposes of the ONR, which defines the five areas of regulatory responsibility: those relating to nuclear safety, nuclear health and safety, nuclear security, nuclear safeguards, and the transportation of radioactive material. In addition, section 74 of the 2013 Act provides for the Secretary of State to make regulations (known as “nuclear regulations”) for four of the ONR’s purposes, including for nuclear safeguards purposes.
- 16 Under section 72 of the 2013 Act the “nuclear safeguards purposes” means the purposes of (a) ensuring the United Kingdom’s compliance with the safeguards obligations and (b) the development of any future safeguards obligations. The “safeguards obligations” are defined in section 93(2) of the 2013 Act as comprising the following:
  - a. articles 77 to 85 of the Treaty establishing the European Atomic Energy Community, signed in Rome on 25 March 1957 (“the Euratom Treaty”);<sup>3</sup>
  - b. the agreement made on 6 September 1976 between the United Kingdom, the European Atomic Energy Community and the IAEA for the application of safeguards in the United Kingdom in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (“the Voluntary Offer Agreement”);<sup>4</sup>
  - c. the protocol signed in Vienna on 22 September 1998 additional to the agreement mentioned in paragraph (b) (“the Additional Protocol”);<sup>5</sup> and
  - d. such other obligations, agreements or arrangements relating to nuclear safeguards as may be specified in a notice given to the ONR by the Secretary of State.
- 17 The details of most of the United Kingdom’s current safeguards regime is set out in Commission Regulation (Euratom) No. 302/2005 of 8 February 2005 (“the Euratom Regulation”),<sup>6</sup> made under the Euratom Treaty. The Euratom Regulation imposes the detailed technical requirements on those holding civil nuclear material and takes effect automatically in United Kingdom law by virtue of the European Communities Act 1972 (without specific domestic implementing legislation).
- 18 As a result, the United Kingdom’s nuclear safeguards regime generally, and the ONR’s nuclear safeguards purposes specifically, are fundamentally underpinned by the United Kingdom’s membership of Euratom. Euratom is a party to the United Kingdom’s two main agreements with the IAEA (and many of the United Kingdom’s obligations to the IAEA are discharged by virtue of its membership of Euratom). As such, the United Kingdom’s existing nuclear safeguards regime will become ineffective when Euratom arrangements no longer apply to the United Kingdom.

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<sup>3</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012A%2FTXT>

<sup>4</sup> <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc263.pdf>

<sup>5</sup> <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc263a1.pdf>

<sup>6</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32005R0302>

- 19 This Bill confers a regulation-making power which will enable the Secretary of State to put in place the detailed requirements that are necessary for a domestic nuclear safeguards regime, including by imposing obligations on those who hold nuclear materials. The regulation-making power under the Bill may also be used to implement the new international agreements the United Kingdom envisages concluding, for example, with the IAEA. The power can also be used to impose domestic standards through regulations.
- 20 The Bill amends the ONR's nuclear safeguards purposes to reflect the fact that the obligations it will be responsible for ensuring compliance with will be contained within domestic regulations and new international agreements rather than the Euratom Regulation. The ONR, rather than the European Commission, will become the UK's nuclear safeguards regulator.
- 21 The nature of safeguards regimes is such that the substantive provisions are detailed and technical in nature and this is reflected in the pre-consultation draft regulations published on 19 January 2018.<sup>7</sup> This will be the case for the domestic safeguards regime put in place under the powers in the Bill. The majority of this detail will be laid out in regulations which will, on first use, be subject to the affirmative resolution procedure (and the Bill amends section 113 of the 2013 Act to this effect). These regulations will place obligations on those responsible for "qualifying nuclear material", "qualifying nuclear facilities" and "qualifying nuclear equipment"; the pre-consultation draft provide further detail. Further detail in respect of the scrutiny procedures that apply to the powers under the Bill are set out in the Delegated Powers and Regulatory Reform Committee Memorandum for the Bill.<sup>8</sup>
- 22 In addition to the provisions of the 2013 Act, there are additional pieces of legislation (i.e. the Nuclear Safeguards and Electricity (Finance) Act 1978, the Nuclear Safeguards Act 2000 and the Nuclear Safeguards (Notification) Regulations 2004) that implement the United Kingdom's existing nuclear safeguards obligations. These will not operate properly after Euratom arrangements no longer apply to the United Kingdom due to their detailed references to provisions of the United Kingdom's existing safeguards agreements with the IAEA. Clause 2 of the Bill therefore also contains the power to make consequential amendments to these pieces of legislation in the light of future agreements between the United Kingdom and the IAEA that are currently being negotiated.

## Territorial extent and application

- 23 The provisions of the Bill extend to the whole of the United Kingdom.
- 24 Her Majesty may by Order in Council under section 117 of the 2013 Act provide that the provisions of the 2013 Act as amended by this Bill apply, so far as specified, in relation to persons, premises, activities, articles, substances or other matters, outside the United Kingdom as they apply within the United Kingdom.
- 25 The power under clause 2 of the Bill includes power to amend the Nuclear Safeguards and Electricity (Finance) Act 1978 ("1978 Act") and the Nuclear Safeguards Act 2000 ("2000 Act"). Section 12(4) of the 2000 Act enables Her Majesty by Order in Council to direct that provisions of the 1978 or 2000 Acts extend to any of the Channel Islands, the Isle of Man or any British overseas territory. Clause 3(3) of the Bill ensures that the power under section 12(4) of the 2000 Act may be exercised in relation to any amendment or repeal of the 1978 or 2000 Act made by regulations under clause 2.

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<sup>7</sup> <https://www.gov.uk/government/publications/nuclear-safeguards-bill-draft-regulations>

<sup>8</sup> <https://services.parliament.uk/bills/2017-19/nuclearsafeguards/documents.html>

- 26 Nuclear safeguards are not devolved; the provisions of the Bill are not within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly. Accordingly, the Government has not sought legislative consent motions from any of the devolved legislatures.
- 27 The table in Annex A provides a summary of the position regarding territorial extent and application in the United Kingdom.

## Commentary on provisions of Bill

### Clause 1: Nuclear safeguards

#### **Substitution of section 72**

- 28 Subsection (1) of clause (1) provides a new definition of the ONR's nuclear safeguards purposes (found in section 72 of the Energy Act 2013) to reflect the domestic safeguards regime that will be put in place once Euratom arrangements no longer apply to the United Kingdom. The new nuclear safeguards purposes are:
- a. ensuring compliance with the nuclear safeguards regulations (to be made under the new section 76A, considered below);
  - b. ensuring compliance by the United Kingdom with international agreements relating to nuclear safeguards to which the United Kingdom is a party and which may be specified in regulations ("relevant international agreements": see paragraph 41 below); and
  - c. the development of any future obligations relating to nuclear safeguards.

#### **New Section 76A**

- 29 Subsection (2) of clause 1 inserts a new section 76A to the 2013 Act. Section 76A provides the Secretary of State with new powers to make regulations relating to nuclear safeguards.
- 30 Subsection (1) of section 76A states that regulations may be made for the purposes of:
- a. ensuring that qualifying nuclear material, facilities or equipment are only available for use for civil activities (whether in the United Kingdom or elsewhere); or
  - b. giving effect to the provisions of a relevant international agreement (see paragraph 41 below).
- 31 Subsection (2) of section 76A sets out examples of the obligations that may be imposed through nuclear safeguards regulations. They may, for example, make provision relating to:
- record-keeping or accounting;
  - the provision or publication of information;
  - inspection or monitoring;
  - imports or exports;
  - the design of qualifying nuclear facilities or equipment; and
  - the production, processing, use, handling, storage or disposal of qualifying nuclear material or equipment.

- 32 Subsection (3) of section 76A applies certain provisions of the existing regulation-making powers in sections 74, 75, 76 of, and Schedule 6 to, the 2013 Act, to the power under section 76A(1). These include the provisions which allow obligations imposed by the regulations to be enforced by the creation of a criminal offence or civil liability.
- 33 Subsection (4) of section 76A provides an exemption from the nuclear safeguards regulations in relation to anything done in the United Kingdom for defence purposes. Under section 70 of the 2013 Act, “defence purposes” are the purposes of the Secretary of State with responsibility for defence. Separate and distinct regimes apply to nuclear materials required for national security.
- 34 Subsection (5) of section 76A provides the Secretary of State with a regulation-making power to specify activities that are, or are not, to be treated as civil activities under subsection (1).
- 35 Subsection (6) of section 76A provides that the power to make consequential and transitional, etc., provision in section 113(7) of the 2013 Act can be exercised to modify retained EU law (which will have the meaning given in the European Union (Withdrawal) Bill). This will allow laws that relate to nuclear safeguards which become ineffective on the United Kingdom’s withdrawal from the Euratom (such as the Euratom Regulation) to be repealed and replaced by the new domestic regime.
- 36 Subsection (7) of section 76A defines the meaning of “qualifying nuclear equipment”, “qualifying nuclear facility” and “qualifying nuclear material” (as used in subsection (1)). Subsection (8) provides the Secretary of State with a regulation-making power to specify fissionable material for the purposes of the definition of “qualifying nuclear material” in subsection (7).
- 37 Subsection (9) of section 76A sets out a requirement for the Secretary of State to consult the ONR and such other persons as the Secretary of State considers appropriate, before making regulations under section 76A. By virtue of subsection (10), the requirement to consult the ONR does not apply if the regulations concerned give effect to proposals submitted by the ONR under new section 81(1)(ia) without modification (see paragraph 55(a) below).

### **New Section 76B**

- 38 Clause 1 also inserts a new section 76B into the 2013 Act. Subsection (1) of this new section 76B provides the Secretary of State with a regulation-making power to authorise or require the ONR to make payments towards compliance costs. Subsection (2) defines “compliance costs” as the costs of complying with the nuclear safeguards regulations, or specific provisions within those regulations. This power means the ONR could reimburse the costs incurred by persons complying with the nuclear safeguards regulations.
- 39 Subsection (3) of new section 76B specifies that regulations may provide that payments by the ONR are only authorised or required to be made under certain circumstances.

### **Amendments to section 112 of the Energy Act 2013**

- 40 Subsection (3) of clause 1 amends section 112 of the 2013 Act (interpretation) by inserting five new subsections (1A-1E).
- 41 Subsection (1A) of section 112 provides a definition of “relevant international agreement”. Relevant international agreements are those to which the United Kingdom is a party, which relate to nuclear safeguards and which are specified in regulations made by the Secretary of State (under subsection (1B)). This definition is relevant, amongst other things, to the ONR’s nuclear safeguards purposes (in section 72(b) as amended) and the regulation-making power in section 76A(1)(b). Such regulations will always be subject to the affirmative procedure and the Bill amends section 113 of the 2013 Act to this effect.

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- 42 Under subsection (1C) of section 112, undertakings given by the United Kingdom to the IAEA in respect of guidance (or any other document) issued by the IAEA are treated as “relevant international agreements” for the purposes of the Bill, so long as they are specified in regulations under subsection (1B).
- 43 Subsection (1D) of section 112 specifies that before making regulations under subsection (1B), the Secretary of State is required to consult the ONR and such other persons (if any) as the Secretary of State considers appropriate. The Secretary of State is not required to consult the ONR if the regulations reflect proposals submitted by the ONR to the Secretary of State (subsection (1E)) without modification.

### **Supplementary provisions under Clause 1**

- 44 Subsection (4) of clause 1 provides that consultation before this Bill is passed may satisfy the consultation requirements mentioned above.
- 45 Subsection (5) of clause 1 introduces the Schedule to this Bill.

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

- 46 Clause 2 provides a power for the Secretary of State to amend, by regulations, the Nuclear Safeguards and Electricity (Finance) Act 1978 (“the 1978 Act”), the Nuclear Safeguards Act 2000 (“the 2000 Act”) and the Nuclear Safeguards (Notification) Regulations 2004 (S.I. 2004/1255) (“the 2004 Regulations”), in consequence of any “relevant safeguards agreement”.
- 47 Subsection (2) specifies that a “relevant safeguards agreement” means an agreement, whether or not ratified, relating to nuclear safeguards between the UK and the IAEA.
- 48 Subsection (3) states that the power to make regulations under this section includes the power to make consequential, supplementary or incidental provision or transitional, transitory or saving provision.
- 49 Subsection (5) specifies that regulations made under this section are subject to the affirmative resolution procedure.
- 50 This clause enables the Secretary of State to amend the 1978 Act, the 2000 Act and the 2004 Regulations in such a way as to prevent them becoming ineffective when the UK’s new safeguards agreements with the IAEA, the Voluntary Offer Agreement and Additional Protocol, come into force. The power allows the legislation to be amended as a consequence of those new agreements with the IAEA. This clause does not confer discretion on the Secretary of State to change the substance of what is permitted by the 1978 Act, 2000 Act or the 2004 Regulations.

### **Clause 3: Extent**

- 51 The Bill extends to England and Wales, Scotland and Northern Ireland, and amendments made by this Bill to the 2013 Act have the same extent within the United Kingdom as the provision they have amended. More information about the extent of the Bill can be found in paragraphs 23 to 27 above.

### **Clause 4: Commencement**

- 52 Clauses 3, 4 and 5 commence on the day the Bill receives Royal Assent. The main provisions of the Bill, under clauses 1 and 2 and the Schedule, will be commenced on such day or days appointed by the Secretary of State in regulations. The Secretary of State may appoint different days for different purposes and the regulations may include transitional, transitory or saving provision (subsection (3)) and specify a particular time of day (subsection (4)).

## Clause 5: Short title

53 Clause 5 is self-explanatory.

## Schedule 1: Minor and consequential amendments

- 54 The Schedule contains minor and consequential amendments to ensure that the United Kingdom's new domestic civil nuclear safeguards regime will be able to operate properly.
- 55 All of the amendments contained in the Schedule, apart from the last amendment, relate to the 2013 Act. They include:
- a. allowing the ONR to make proposals to the Secretary of State about regulations under section 76A (paragraph 3);
  - b. ensuring that the ONR must make adequate arrangements for the enforcement of nuclear safeguards regulations (paragraph 4);
  - c. adding nuclear safeguards regulations to the definition of "relevant statutory provisions" in section 82(2) (also paragraph 4);
  - d. removing the duty of the ONR in relation to nuclear safeguards contained in section 93 because the effect of the duty is replicated by section 72(b) and section 78 (paragraph 6);
  - e. extending the duty of employers at work to help persons subject to obligations under nuclear safeguards regulations to comply with them (the amendments to sections 102 and 104 in paragraphs 7 and 8);
  - f. setting out the parliamentary scrutiny procedures that will govern regulation-making powers inserted by the Bill (paragraph 9);
  - g. extending the review period for Part 3 of the 2013 Act from 5 years to 7 years - without this change the duty to review Part 3 would arise shortly before the United Kingdom withdrew from Euratom and before the changes made by the Bill would come into force (paragraph 10);
  - h. extending the power for inspectors appointed by the ONR to issue improvement notices to non-compliance in relation to nuclear safeguards (paragraph 11);
  - i. updating the information sharing gateway that applies in relation to nuclear safeguards as a consequence of the changes made by the Bill (paragraph 12); and
  - j. changing the reference in the 2000 Act from "colony" to "British overseas territory" (paragraph 13).

## Commencement

56 Clauses 3, 4 and 5 come into force on the day the Bill is passed. The main provisions of the Bill will be commenced on such day (or time of day) as the Secretary of State may appoint in regulations.

## Financial implications of the Bill

- 57 The main public expenditure resulting from the Bill is the cost of establishing and operating the new nuclear safeguards regime by the ONR. The cost to set up this regime (which remains the subject of further analysis) is potentially up to £10m. This would include the procurement of a new IT system, the recruitment and training of a large number of inspectors and the strengthening of the institutional capacity of the ONR to deliver the project. This cost will be met from within BEIS's Spending Review allocations. The cost of replacing any equipment currently in the United Kingdom but which belongs to Euratom is under negotiation with the European Union.
- 58 The regime is also likely to involve an ongoing cost of around £10m per year, which is in line with the United Kingdom's current contribution to Euratom's nuclear safeguards activity in the United Kingdom. The Department is keeping these estimates under review as the details of the regime develop.

## Parliamentary approval for financial costs or for charges imposed

- 59 A money resolution was passed in respect of the Bill on 16 October 2017. A money resolution is required where a Bill gives rise to, or creates powers that could give rise to, new or increased charges on the public revenue (broadly, new or increased expenditure).
- 60 The Bill will widen the remit of the Office for Nuclear Regulation ("the ONR"), most notably by replacing section 72 of the Energy Act 2013 with a broader definition of the ONR's nuclear safeguards purposes. Expenditure incurred by the ONR in making payments towards the costs of complying with nuclear safeguards regulations, as a result of any regulations under the new section 76B for the 2013 Act, would also be relevant. The ONR was established by section 77 of the Energy Act 2013. Paragraph 26 of Schedule 7 to that Act provides for the Secretary of State to make payments to the ONR for the purpose of enabling it to perform its functions. Such payments are made out of money provided by Parliament.
- 61 The increase in the ONR's workload as a result of the Bill is likely to lead to an increase in such payments.
- 62 Therefore, a money resolution was required to cover the potential increase in sums payable by the Secretary of State under paragraph 26 of Schedule 7 to the Energy Act 2013 out of money provided by Parliament.

## Compatibility with the European Convention on Human Rights

- 63 The Parliamentary Under-Secretary of State (Department for Business, Energy and Industrial Strategy), Lord Henley, has made the following statement regarding Human Rights: "in my view the provisions of the Nuclear Safeguards Bill are compatible with the Convention rights."

## Equalities

- 64 The Nuclear Safeguards Bill does not amend, repeal or revoke any provision of the Equality Act 2006, the Equality Act 2010 or any subordinate legislation made under either of those Acts (“the equalities legislation”).
- 65 In relation to the Bill, the Parliamentary Under-Secretary of State (Department for Business, Energy and Industrial Strategy) has, so far as required to do so by the equalities legislation, had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.

## Related documents

- 66 The following documents are relevant to the Bill and can be read at the stated online:
- Delegated Powers and Regulatory Reform Committee Memorandum <https://publications.parliament.uk/pa/bills/cbill/2017-2019/0109/dprrcmemorandum2.pdf>
  - Impact Assessment <https://services.parliament.uk/bills/2017-19/nuclearsafeguards/documents.html>
  - Draft Regulations (“The Nuclear Safeguards (Civil Activities, Fissionable Material and Relevant International Agreements) Regulations 20--” and “The Nuclear Safeguards Regulations 20--”) and Explanatory Note <https://www.gov.uk/government/publications/nuclear-safeguards-bill-draft-regulations>
  - Energy Act 2013 As Amended by the Nuclear Safeguards Bill (“Keeling Schedule”) <https://www.gov.uk/government/publications/nuclear-safeguards-bill-changes-to-existing-legislation-keeling-schedule>
  - Euratom Treaty <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012A%2FTXT>
  - Euratom Regulation No 302/2005 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32005R0302>
  - IAEA Voluntary Offer Agreement <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc263.pdf>
  - IAEA Additional Protocol <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1978/infcirc263a1.pdf>
  - Treaty on the Non-Proliferation of Nuclear Weapons <https://web.archive.org/web/20070807060917/http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc140.pdf>

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## Annex A – Territorial extent and application in the United Kingdom

- 67 Clause 3 sets out the territorial extent of the Bill; that is the jurisdictions of which the Bill will form part of the law. The extent of a Bill can be different from its application. Application is about where a Bill produces practical effects. The Bill extends and applies to England and Wales, Scotland and Northern Ireland (and in the case of amendments to existing statute, an amendment will have the same extent as the provision it is amending).
- 68 The Bill will not change existing arrangements with respect to the Channel Islands, the Isle of Man and British overseas territories but ensures that the power in the 2000 Act to extend the provisions of the 1978 and 2000 Acts to those islands and territories is preserved (see clauses 3(2) and 3(3)).
- 69 There is also a power to give Part 3 of the 2013 Act certain extra-territorial application (section 117), but this power has not been exercised.<sup>9</sup>

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Likely to engage the Legislative Consent Motion process?
1 Nuclear Safeguards	Yes*	Yes*	Yes*	Yes*	N/A	N/A	N/A	No
2 Power to amend legislation relating to nuclear safeguards	Yes*	Yes*	Yes*	Yes*	N/A	N/A	N/A	No
3 Extent	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
4 Commencement	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
5 Short title	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No

\* See clauses 3(2) and 3(3) of the Bill

<sup>9</sup> References in this Annex to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

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