

SCHEDULES

SCHEDULE 12

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 3

PART 4

NUCLEAR SAFEGUARDS

Atomic Energy Act 1946 (c. 80)

- 34 The Atomic Energy Act 1946 is amended as follows.
- 35 (1) Section 4 (power to obtain information of materials, plants and processes) is amended as follows.
- (2) In subsection (1), at the beginning insert “Subject to subsection (1A)”.
- (3) After subsection (1) insert—
- “(1A) No notice may be served under subsection (1) which imposes a requirement which could be imposed—
- (a) by a notice served by the Office for Nuclear Regulation under section 97 of the Energy Act 2013 (power of ONR to obtain information), or
- (b) by an authorised inspector under paragraph 15 of Schedule 8 to that Act (power of inspectors to require information and documents).”.
- 36 (1) Section 5 (power of entry and inspection) is amended as follows.
- (2) In subsection (1), at the beginning insert “Subject to subsection (1A)”.
- (3) After subsection (1) insert—
- “(1A) No authorisation to enter or inspect any premises may be given by the Minister to any person under subsection (1) if such authorisation could be given by the Office for Nuclear Regulation to an inspector under Part 1 of Schedule 8 to the Energy Act 2013 (appointment and powers of inspectors).”.
- 37 In section 11 (restriction on disclosure of information relating to plant), after subsection (2) insert—
- “(2A) The communication of information is not an offence under this section if it is—
- (a) communication to the Office for Nuclear Regulation of information required under section 97 of the Energy Act 2013 (power of ONR to obtain information), or any subsequent communication of that information by the Office for Nuclear Regulation, or

Status: This is the original version (as it was originally enacted).

- (b) communication to an authorised inspector of information required by the inspector under paragraph 15 of Schedule 8 to that Act (power of inspectors to require information and documents), or any subsequent communication of that information by an inspector.”.

38 In section 18 (definitions), in subsection (1), after the definition of “atomic energy” insert—

““inspector” means an inspector appointed under Schedule 8 to the Energy Act 2013; and “authorised”, in relation to such an inspector, is to be construed in accordance with paragraph 2(4) of that Schedule;”.

Nuclear Safeguards and Electricity (Finance) Act 1978 (c. 25)

39 The Nuclear Safeguards and Electricity (Finance) Act 1978 is amended as follows.

40 In section 2 (rights of International Atomic Energy Agency inspectors), in subsection (8) for “Secretary of State” substitute “Office for Nuclear Regulation”.

41 In section 3 (regulations for giving effect to certain provisions of Safeguards Agreement) —

(a) after subsection (1) insert—

“(1A) Regulations under this section may in particular modify functions of, or confer functions on, the Office for Nuclear Regulation.”;

(b) after subsection (2) insert—

“(2A) The Secretary of State must consult the Office for Nuclear Regulation before making regulations under this section unless the regulations give effect, without modification, to any proposals for them submitted by the Office for Nuclear Regulation under section 81(1)(a)(v) of the Energy Act 2013.”

Nuclear Safeguards Act 2000 (c. 5)

42 The Nuclear Safeguards Act 2000 is amended as follows.

43 (1) Section 1(1) (interpretation) is amended as follows.

(2) In the definition of “Additional Protocol information” after “Secretary of State” insert “or the Office for Nuclear Regulation”.

(3) In the definition of “authorised officer” for “Secretary of State” substitute “Office for Nuclear Regulation”.

44 (1) Section 2 (information and records for purposes of the Additional Protocol) is amended as follows.

(2) In subsection (1), for “Secretary of State” substitute “Office for Nuclear Regulation”.

(3) In subsection (2), for “Secretary of State”, in both places where it appears, substitute “Office for Nuclear Regulation”.

(4) In subsection (3)(a) for “Secretary of State” substitute “Office for Nuclear Regulation”.

45 (1) Section 3 (identifying persons who have information) is amended as follows.

(2) In subsection (1), for “him” substitute “the Office for Nuclear Regulation”.

- (3) In subsection (2)(b), for “Secretary of State” substitute “Office for Nuclear Regulation”.
- (4) In subsection (3)(a), for “Secretary of State” substitute “Office for Nuclear Regulation”.
- (5) After subsection (3) insert—
 - “(3A) The Secretary of State must consult the Office for Nuclear Regulation before making regulations under this section unless the regulations give effect, without modification, to any proposals for them submitted by the Office for Nuclear Regulation under section 81(1)(a)(v) of the Energy Act 2013.”
- (6) In subsection (5), for “Secretary of State” substitute “Office for Nuclear Regulation”.
- 46 (1) Section 4 (powers of entry in relation to Additional Protocol information) is repealed.
- (2) Sub-paragraph (1) does not affect the power in section 12(4) of the Nuclear Safeguards Act 2000 to extend section 4 of that Act outside the United Kingdom.
- 47 (1) Section 5 (rights of access etc. for Agency inspectors) is amended as follows.
- (2) After subsection (3) insert—
 - “(3A) The Secretary of State must consult the Office for Nuclear Regulation before making an order under subsection (3) unless the order gives effect, without modification, to any proposals for such an order submitted by the Office for Nuclear Regulation under section 81(1)(a)(v) of the Energy Act 2013.”
- (3) In subsection (6) for “Secretary of State” substitute “Office for Nuclear Regulation”.
- 48 In section 6 (restriction on disclosure), after subsection (3) insert—
 - “(3A) It is not an offence under this section to disclose information held by the Office for Nuclear Regulation if the disclosure is not in contravention of Part 3 of the Energy Act 2013.”.
- 49 In section 7 (giving false or misleading information), in paragraphs (a) and (b) for “Secretary of State” substitute “Office for Nuclear Regulation”.