

## UK GOVERNMENT PUBLISHES DRAFT NUCLEAR SAFEGUARDS REGULATIONS

**On 9 July 2018 the UK government published a [consultation](#) on draft Nuclear Safeguards Regulations. The draft Regulations are the next essential piece in the framework being introduced in the UK following the decision to leave the Euratom Treaty in parallel to the decision announced to leave the European Union. These are important Regulations with wide implications for all nuclear operators and those in the nuclear supply chain.**

**The consultation runs to 14 September 2018 and covers all parts of the UK. Consultation workshops will take place in London on 2 August 2018 and in Manchester on 15 August 2018, and others may be announced later.**

Following the triggering of Article 50, Treaty for European Union, the UK government concluded that leaving the European Union had the consequence of the UK being required to leave the Euratom Treaty, and it gave notice of that intention at the same time [see earlier Prospect Law briefings in [June 2017](#) and [March 2018, parts 1-3](#)].

In order to avoid any actual or potential gaps in the coverage of nuclear safeguards, and to ensure its continued firm commitment to both the international system of nuclear non-proliferation and uninterrupted support for civil nuclear developments, the UK government has had to go to considerable lengths.

On 26 June 2018 the [Nuclear Safeguards Act 2018](#) received Royal Assent, introducing a new and enhanced framework for the Office for Nuclear Regulation ‘ONR’ to apply safeguards outside of Euratom. The Nuclear Safeguards Act 2018 will amend relevant provisions of the [Energy Act 2013](#). Publication of the draft Nuclear Safeguards Regulations on 9 July 2018 is the next step in addressing the detailed regulatory requirements of this process.

The Regulations will aim to deliver an equivalent regime to that applying under Euratom from Day One of the UK’s exit from the European Union and Euratom, by whatever route that now takes. As expected, most of the new day to day responsibilities will fall on the ONR.

The UK Department for Business, Energy and Industrial Strategy ‘BEIS’ has also set up a working group with those with like responsibilities in Scotland, Wales and Northern Ireland, and this has been considering related issues such as the shipment and treatment of radioactive waste.

In addition, the UK has prioritised development of bilateral [Nuclear Cooperation Agreements](#) with four jurisdictions with their own particular legislation controlling nuclear trade and cooperation, namely Australia, Canada, Japan and the USA, and a UK-USA Nuclear Cooperation Agreement was signed on 4 May 2018.

The Regulations will contain important definitions such as those of “fissionable material” and “relevant international agreement”. It is intended that on Brexit, key Euratom regulations will become “retained EU law” under the [European Union \(Withdrawal\) Act 2018](#), and then be repealed when the draft Nuclear Safeguards Regulations come into force.

If the draft Withdrawal Agreement between the EU and UK, on which political agreement was reached in March 2018, takes effect, then the Euratom regime will last through to 31 December 2020. However, if the UK leaves the EU on 31 March 2019 without being able to conclude a Withdrawal Agreement, the legislative framework of which these Regulations are part aims to ensure continuity.

**About the Author:**

*William Wilson is a specialist environmental, regulatory and nuclear lawyer with over 25 years experience in government, private practice and consultancy. He worked as a senior lawyer at the UK Department of the Environment/DETR/Defra, and helped to build up the environmental and nuclear practices at another major law firm, as well as running his own environmental policy consultancies.*

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