

ENERGY ACT 2013

**DIRECTION TO THE OFFICE FOR NUCLEAR REGULATION REGARDING THE
SUPPLY OF INFORMATION IN RELATION TO THE NUCLEAR SAFETY OF
CIVILIAN NUCLEAR INSTALLATIONS**

Laid before Parliament by the Secretary of State for Business, Energy and Industrial Strategy pursuant to section 92(8) of the Energy Act 2013.

Direction under section 92(1) of the Energy Act 2013¹

Introduction

Section 92(1) (directions from Secretary of State) of the Energy Act 2013 (“the EA 2013”) provides a power to the Secretary of State to give the Office for Nuclear Regulation (“the ONR”) a direction as to the exercise by it of its functions generally, or any of its functions specifically.

Section 68 (nuclear safety purposes) of the EA 2013 provides that ONR’s nuclear safety purposes means the purposes of protecting persons against risks of harm from ionising radiations from nuclear sites through measures such as the design and construction of nuclear installations, arrangements for operation and decommissioning, storage arrangements, and arrangements to minimise risks in the event of an escape or release of ionising radiations.

Section 78 (principal function) of the EA 2013 provides that the ONR must do whatever it considers appropriate for the ONR’s purposes, including, so far as it considers appropriate, assisting and encouraging others to further those purposes.

Section 87 (provision of information) of the EA 2013 provides that the ONR is under a duty to make arrangements to provide information that it holds that is relevant to the ONR’s purposes to any person or category of persons (whether or not concerned with matters relevant to the ONR’s purposes).

Information will be made available to the general public in accordance with relevant legislation and international instruments, provided that this does not jeopardise other overriding interests, such as security, which are recognised in the relevant legislation or international instruments.

Interpretation

For the purposes of this Direction:

“accident” means any unintended event, the consequences or potential consequences of which are significant from the point of view of radiation protection or nuclear safety;

“civilian nuclear installation” means:

- (a) an enrichment plant, nuclear fuel fabrication plant, nuclear power plant, reprocessing plant, research reactor facility, spent fuel storage facility; and
- (b) a storage facility for radioactive waste that is on the same site and is directly related to a civilian nuclear installation listed in sub-paragraph (a);

¹ 2013 c32

“incident” means any unintended event, the consequences or potential consequences of which are not negligible from the point of view of radiation protection or nuclear safety;

“licence holder” means the holder of a nuclear site licence granted under section 3 (grant and variation of site licences) of the Nuclear Installations Act 1965 (“the NIA 1965”) in respect of a civilian nuclear installation;

“nuclear safety” means the achievement of proper operating conditions, prevention of accidents and mitigation of accident consequences, resulting in protection of workers and the general public from dangers arising from ionising radiations from civilian nuclear installations.

Direction

In accordance with section 92(1) of the EA 2013, the Secretary of State directs the ONR as follows:

1. In the exercise of its functions, including those under sections 78 and 87 of the EA 2013, the ONR must, in connection with its purposes under section 68 of the EA 2013, provide or make otherwise available necessary information in relation to the nuclear safety of nuclear installations and its regulation including:

(a) information on normal operating conditions of civilian nuclear installations to the general public, with specific consideration given to the local authorities, population and stakeholders in the vicinity of a civilian nuclear installation; and

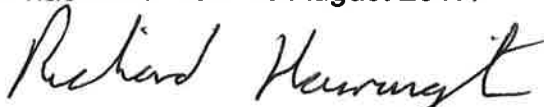
(b) information promptly, in the event of an incident or accident, to the general public, with specific consideration given to the local authorities, population and stakeholders in the vicinity of a civilian nuclear installation, and to the competent regulatory authorities of other Member States of the European Union in the vicinity of a civilian nuclear installation.

2. In the exercise of its functions, including those under sections 78 and 87 of the EA 2013, the ONR must, in connection with its purposes under section 68 of the EA 2013, ensure that licence holders provide or make otherwise available in relation to any civilian nuclear installation for which they hold a licence the information referred to in paragraph 1 to the persons and bodies identified in paragraphs 1(a) and (b) as appropriate.


3. The ONR may meet the obligations set out in paragraph 2 by obtaining from licence holders in relation to any civilian nuclear installation for which they hold a licence the information referred to in paragraph 1 and providing or otherwise making it available on behalf of the licence holders to the persons and bodies identified in paragraphs 1(a) and (b) as appropriate.

Commencement

This Direction has effect from 15 August 2017.



Signed by Richard Harrington MP on behalf of the Secretary of State.


12 July 2017