



Department for
Business, Energy
& Industrial Strategy

ENERGY ACT 2013

**DIRECTION TO THE OFFICE FOR NUCLEAR REGULATION REGARDING THE
SUPPLY OF INFORMATION ON CHANGES OR PROPOSED CHANGES OF
OWNERSHIP OR CONTROL OF CERTAIN SPECIFIED ENTITIES OPERATING IN
THE CIVIL NUCLEAR SECTOR**



Direction under section 92(3) of the Energy Act 2013

Section 92(3) of the Energy Act 2013 ("EA 2013") permits the Secretary of State to give the Office for Nuclear Regulation ("ONR") such direction as appears to him to be necessary or desirable in the interests of national security. Section 92(4)(b) of the EA 2013 provides that a direction made under section 92(3) of the EA 2013 may confer a function on the ONR.

In accordance with sections 92(3) and 92(4)(b) of the EA 2013, the Secretary of State directs the ONR and confers a new function on it as follows:

1. To require from the Entities the Information relating to Ownership Changes (using its powers under section 97 of the EA 2013) and subsequently supply that Information to the Secretary of State;
2. To require in the notices served under section 97 that the Entities supply the Information relating to Ownership Changes to the ONR within 10 working days of the Entity becoming aware of the Ownership Changes; and
3. To supply that Information to the Secretary of State within 5 working days of having so received it.

For the purposes of this Direction the following terms shall have the following meanings:

4. The "Entities" means:-
 - (a) holders of nuclear site licences granted under section 3 of the Nuclear Installations Act 1965 ("NIA 1965") except where the site to which the licence relates is controlled or operated wholly or mainly for defence purposes as defined in s.70(3) of the EA 2013;
 - (b) tenants operating on a site licenced under section 3 of the NIA 1965 except where the site to which the licence relates is controlled or operated wholly or mainly for defence purposes as defined in s.70(3) of the EA 2013;
 - (c) class A and B carriers of nuclear material as approved under regulation 14 of the Nuclear Industries Security Regulations 2003 ("NISR 2003");
 - (d) developers of a civil nuclear construction site as defined in s.70(3) of the EA 2013; and
 - (e) persons who have submitted a design to the ONR following a request for a Generic Design Assessment but who have not yet received a decision in respect of that design.
5. "Ownership Changes" means any of the following changes or proposed changes (of which the Entity is aware) of ownership or control:-



- (a) a sale or a proposal to sell a stake of 5% or more of shares or other equivalent form of ownership (purchased in a single block) in the Entity in question;
 - (b) the creation or a proposal to create a new interest that will, once created, constitute a stake of 5% or more of shares or other equivalent form of ownership in the Entity in question; or
 - (c) a purchase or proposed purchase of shares or other equivalent form of ownership or the creation or proposed creation of a new interest in shares or other equivalent form of ownership of less than 5% but of such a nature that the owner obtains or would obtain the right to appoint one or more persons to the Executive Board or equivalent of the Entity in question.
6. "Information" means:-
- (a) the name and address of:
 - (i) the owner or proposed new owner of the stake referred to in paragraph 5(a);
 - (ii) the owner or proposed new owner of the new interest referred to in paragraph 5(b); or
 - (iii) the owner or proposed new owner who obtains or would obtain the right to appoint one or more persons to the Executive board or equivalent referred to in paragraph 5(c) above; and
 - (b) the type of transaction or proposed transaction (by reference to the categories in paragraph 5 above) to which the name and address relate.
7. This direction is made on 17 October 2017 and will come into force on 20 November 2017.

Signed:

Secretary of State for Business, Energy and Industrial Strategy

