
STATUTORY INSTRUMENTS

2018 No. 1094

**EXITING THE EUROPEAN UNION
ATOMIC ENERGY AND
RADIOACTIVE SUBSTANCES**

The Special Fissile Materials (Right of Use
and Consumption) (EU Exit) Regulations 2018

Made - - - - 17th October 2018

Laid before Parliament 18th October 2018

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018⁽¹⁾.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these regulations) have been satisfied.

Citation and commencement

1. These Regulations may be cited as the Special Fissile Materials (Right of Use and Consumption) (EU Exit) Regulations 2018 and come into force on exit day.

Cessation of rights, etc.

2. Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which—
(a) continue by virtue of section 4(1) of the European Union (Withdrawal) Act 2018; and
(b) are derived from Article 87 (right of use and consumption) of the Euratom Treaty
cease to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).

(1) [2018 c. 16](#)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

17th October 2018

Richard Harrington
Parliamentary Under Secretary of State, Minister
for Business and Industry
Department for Business, Energy and Industrial
Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act

2018 (c. 16)

(“the Act”) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) of the Act) arising from the withdrawal of the UK from the European Union.

Article 87 of the Euratom Treaty confers an unlimited right of use and consumption over special fissile materials (plutonium and enriched uranium) owned collectively by the Euratom Community in accordance with Article 86 of the Treaty on the lawful holders of those materials, subject to obligations to comply with Treaty provisions.

Regulation 2 ends any right, and any obligation etc. associated with any such right, under Article 87 of the Treaty which would otherwise be preserved under the Act, as the collective ownership of special fissile materials under Article 86 will cease to be effective on the date the UK withdraws from the Treaty and the related right of use and consumption under Article 87 will become redundant.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum has been prepared and is available alongside this instrument at www.legislation.gov.uk