STATUTORY INSTRUMENTS

2026 No. 839

HEALTH AND SAFETY

ENVIRONMENTAL PROTECTION

The Justification Decision (Generation of Power by the RR SMR) Regulations 2026

Made - - - -	*16th July 2026*
Coming into force - -	*17th July 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by regulation 4(1) of the Justification Decision Power (Amendment) (EU Exit) Regulations 2019 ("the 2019 Regulations")(**a**) and in accordance with the requirements of regulation 14(1) of the Justification of Practices Involving Ionising Radiation Regulations 2004 ("the 2004 Regulations")(**b**).

The Secretary of State has consulted the persons required to be consulted under regulation 18 of the 2004 Regulations and such other persons as the Secretary of State considered it appropriate to consult, and has taken such steps as the Secretary of State considered appropriate to bring the proposed decision now contained in these Regulations to the attention of any person likely to be affected by it.

In accordance with regulation 5(3) of the 2019 Regulations a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Justification Decision (Generation of Power by the RR SMR) Regulations 2026 and come into force on the day after the day on which they are made.

(2) These Regulations extend to the United Kingdom.

Interpretation

2. In these Regulations—

"the RR SMR practice" means the class or type of practice which is the generation of power from nuclear energy using uranium dioxide fuel of low enrichment in fissile content

(**a**) S.I. 2019/215. Regulation 4(1) allows the Secretary of State to make, by regulations, a positive justification decision.
(**b**) S.I. 2004/1769, amended by S.I. 2018/430, S.I. 2019/24, and S.I. 2019/215. Justifying Authority for the purposes of this instrument is defined in regulation 6 of S.I. 2004/1769.

in a light water cooled, light water moderated thermal reactor designed by Rolls-Royce SMR Limited and where the specification of that reactor matches that set out in Annex 1 (pages 92 to 122) of the NIA Rolls-Royce SMR Application and Supplementary Information document which was the subject of the consultation paper published by the Department for Environment, Food and Rural Affairs on 6th October 2025 and titled "Consultation on the Nuclear Industry Association's Application for Regulatory Justification of the Rolls-Royce SMR designed by Rolls-Royce SMR Limited(**a**)".

Justification decision

3. For the purposes of regulation 14(1) of the Justification of Practices Involving Ionising Radiation Regulations 2004 the following positive justification decision(**b**) has effect—

(a) the RR SMR practice is justified(**c**); and

(b) any class or type of practice which is—

(i) a development of the RR SMR practice; and

(ii) so similar to the RR SMR practice that the balance of benefits and detriments from that class or type of practice does not materially differ from the balance of benefits and detriments for the RR SMR practice,

is justified.

Emma Hardy
Parliamentary Under-Secretary of State
16th July 2026 Department for Environment, Food and Rural Affairs

(**a**) The NIA Rolls-Royce SMR Application and Supplementary Information document and the consultation paper can be found at: https://consult.defra.gov.uk/nuclear-justification/nuclear-rolls-royce-smr/. The page numbering (92 to 122) reflects the PDF page numbering rather than the document numbering.
(**b**) Positive justification decision is defined in regulation 2 of S.I. 2019/215.
(**c**) Justified is defined in regulation 2 of S.I. 2019/215.

EXPLANATORY NOTE

(This note is not part of the Regulations)

By these Regulations the Secretary of State makes a justification decision using the powers in regulation 4 of the Justification Decision Power (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/215) and in accordance with the Justification of Practices Involving Ionising Radiation Regulations 2004 (S.I. 2004/1769) ("the 2004 Regulations"). The 2004 Regulations lay down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

The 2004 Regulations prohibit the carrying out of new classes or types of practice involving ionising radiation unless justified. A class or type of practice is new where no practice within that class or type of practice was carried out in the United Kingdom before 6th February 2018 and no justification decision has been made that the class or type of practice is justified. Where the Secretary of State has determined that a class or type of practice is new and is satisfied that the new class or type of practice is justified because its individual or societal benefit outweighs the health detriment it may cause, the Secretary of State is required to make a justification decision to that effect in the form of regulations (see regulation 14(1) of the 2004 Regulations).

Regulation 2 of these Regulations defines the class or type of practice known as the RR SMR practice. Regulation 3 is the positive justification decision.

A full regulatory impact assessment has not been produced for this instrument because there is no, or no significant, impact on the private, voluntary or public sectors.

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