

**Changes to legislation:** Nuclear Installations Act 1965 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## [<sup>F1</sup>SCHEDULE 1

### SECURITY PROVISIONS APPLICABLE BY ORDER UNDER S.2]

#### Textual Amendments

**F1** Sch. 1 inserted by Atomic Energy Authority Act 1971 (c. 11), s. 17(6), Sch.

#### Modifications etc. (not altering text)

**C1** Sch. 1 extended (24.3.1993) by 1993/687, arts. 1,2.

1 In this Schedule “the specified body corporate”, in relation to an order made under section 2 of this Act, means the body corporate specified in that order, as being a body to whom the Minister has granted a permit as mentioned in subsection (1B) of that section, and “site to which a permit applies” means a site in respect of which a permit so granted to the specified body corporate is for the time being in force.

2 ..... <sup>F2</sup>

#### Textual Amendments

**F2** Sch. 1 para. 2 repealed by Official Secrets Act 1989 (c. 6, SIF 39:2), s. 16(4), Sch. 2

3 (1) Every site to which a permit applies shall, for the purposes of section 3(c) of the <sup>M1</sup>Official Secrets Act 1911 (which provides that places belonging to or used for the purposes of Her Majesty may be declared by order of the Secretary of State to be prohibited places for the purposes of that Act), be deemed to be a place belonging to or used for the purposes of Her Majesty.

(2) No person other than—

- (a) a constable acting in the execution of his duty as such, or
- (b) an officer of customs and excise or inland revenue, acting in the execution of his duty as such, [<sup>F3</sup>or

(bb) a person designated as an inspector of the International Atomic Energy Agency under article 85 of the Agreement made on 6th September 1976 for the application of Safeguards in the United Kingdom in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (Cmnd. 6730)] [<sup>F4</sup> or under Article 11 of the Additional Protocol (within the meaning of the Nuclear Safeguards Act 2000)] or

(c) an inspector appointed under section 24 of this Act, or

[<sup>F5</sup>(cc) an inspector appointed under [<sup>F6</sup>Schedule 8 to the Energy Act 2013] and specially authorised in that behalf by or on behalf of a Minister of the Crown, or ]

(d) an officer of any government department specially authorised in that behalf by or on behalf of a Minister of the Crown [<sup>F7</sup>or a member of the staff of the Scottish Administration specially authorised in that behalf by or on behalf of the Scottish Ministers],

shall, except with the consent of the specified body corporate and in accordance with any conditions imposed by them, be entitled to exercise any right of entry (whether arising by virtue of any statutory provision or otherwise) upon any site which is for

*Changes to legislation: Nuclear Installations Act 1965 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

the time being declared to be a prohibited place by virtue of an order made under the said section 3(c) as extended by the preceding subparagraph:

Provided that any person aggrieved by a refusal of the specified body corporate to consent to, or by conditions imposed by that body on, the exercise of any such right of entry may apply to the Minister who may, if he thinks fit, himself authorise the exercise of the right subject to such conditions, if any, as he may think fit to impose.

#### Textual Amendments

- F3** “or” and para. (bb) added at the end of para. (b) by [Nuclear Safeguards and Electricity \(Finance\) Act 1978 \(c. 25, SIF 8\), s. 2\(3\)\(a\)](#)
- F4** Words in Sch. 1 para. 3(2)(bb) inserted (1.5.2004) by [Nuclear Safeguards Act 2000 \(c. 5\), ss. 11\(2\), 12\(2\) \(with s. 12\(3\)\); S.I. 2004/1242, arts. 2, 3](#)
- F5** Para. 3(2)(cc) added (E.W.)(S.) by [S.I. 1974/2056](#)
- F6** Words in Sch. 1 para. 3(2)(cc) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 28; S.I. 2014/251, art. 4](#)
- F7** Words in Sch. 1 para. 3(2)(d) inserted (1.7.1999) by [S.I. 1999/1820, arts. 1\(2\), 4, Sch. 2 Pt. I para. 38\(5\) \(with art. 5\); S.I. 1998/3178, art. 3](#)

#### Marginal Citations

- M1** 1911 c. 28.

- 4 <sup>F8</sup>(1) .....
- (2) ..... <sup>F9</sup>
- <sup>F10</sup>(3) .....

#### Textual Amendments

- F8** Sch. 1 para. 4(1) repealed (1.4.2005) by [Energy Act 2004 \(c. 20\), s. 198\(2\), Sch. 23 Pt. 1; S.I. 2005/877, art. 2\(1\), Sch. 1](#)
- F9** Sch. 1 para. 4(2) repealed by [Ministry of Defence Police Act 1987 \(c. 4, SIF 95\), s. 7\(4\)\(b\)](#)
- F10** Sch. 1 para. 4(3) repealed (1.4.2005) by [Energy Act 2004 \(c. 20\), s. 198\(2\), Sch. 23 Pt. 1; S.I. 2005/877, art. 2\(1\), Sch. 1](#)

- 5 (1) The specified body corporate shall comply with any directions which the Minister may give to them for the purpose of safeguarding information in the interests of national security; and a direction under this sub-paragraph may in particular require the specified body corporate to terminate the employment of any person specified in the direction who is an officer of, or employed by, that body or may require that body not to appoint a person so specified to be an officer of, or to any employment under, that body.
- (2) The specified body corporate shall also comply with any directions given to them by the Minister with respect to the safe-keeping of material of any description specified in the directions, whether in the interests of national security or of safety.
- (3) The Minister may with the approval of the Treasury make grants out of moneys provided by Parliament for reimbursing to the specified body corporate, in whole or in part, any expenses incurred by that body in complying with any directions given under sub-paragraph (1) of this paragraph and any directions given under sub-

**Changes to legislation:** *Nuclear Installations Act 1965 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

paragraph (2) of this paragraph with respect to the safe-keeping of material in the interests of national security.

6 (1) Except with the consent of the Minister the specified body corporate shall not terminate on security grounds the employment of any person employed by them.

(2) In this paragraph “security grounds” means grounds which are grounds for dismissal from the civil service of Her Majesty, in accordance with any arrangements for the time being in force relating to dismissals from that service for reasons of national security.

7 In the application of this Schedule to Northern Ireland—

(a) in paragraph 3(2)(d) the reference to a government department shall be construed as including a reference to a department of the Government of Northern Ireland; and

<sup>F11</sup>(b) .....

**Textual Amendments**

**F11** Sch. 1 para. 7(b) repealed (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 23 Pt. 1](#); S.I. 2005/877, art. 2(1), [Sch. 1](#)

<sup>F12</sup> SCHEDULE 1A

MEASURES OF REINSTATEMENT OUTSIDE THE UNITED KINGDOM

**Textual Amendments**

**F12** Sch. 1A inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), art. 1(2), [Sch. 1](#) (with art. 40)

*Measures of reinstatement*

1. (1) Where as a result of a breach of a duty imposed by section 7, 7B, 8, 9 or 10 there is significant impairment of the environment within the territorial limits, in or above the exclusive economic zone, or on the continental shelf of a qualifying territory other than the United Kingdom, a person may make a claim under this Act for compensation in respect of the reasonable cost of measures of reinstatement relating to that impairment, to the extent that they are relevant measures of reinstatement.

(2) Sub-paragraph (1) is subject to paragraphs 2 and 3.

(3) A relevant measure of reinstatement, in relation to significant impairment of the environment, is a measure reasonably taken for the purpose of—

(a) reinstating or restoring what has been destroyed or damaged as part of that impairment, or

(b) establishing the equivalent of what has been destroyed or damaged as part of that impairment.

**Changes to legislation:** Nuclear Installations Act 1965 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) A measure of reinstatement is reasonably taken for the purposes of this paragraph if taking that measure is appropriate and proportionate in the circumstances.

*Persons able to take measures*

2. No compensation under this Act is payable by virtue of a claim under paragraph 1 unless the person taking the relevant measures of reinstatement is entitled to take the measures in question under the law of the qualifying territory.

*Approval of measures of reinstatement*

3. Compensation under this Act is payable by virtue of a claim under paragraph 1 only if the claim relates to measures of reinstatement approved by a person who is competent to do so under any law of the qualifying territory made for purposes corresponding to section 11B (a “competent authority”).]

<sup>F13</sup>[<sup>F14</sup>SCHEDULE 2]

Section 22(5).

[<sup>F15</sup> INQUIRIES UNDER SECTION 22(10) RELATING TO OCCURRENCES IN NORTHERN IRELAND ]

**Textual Amendments**

- F13** Sch. 2 saved by virtue of Health and Safety at Work etc. Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Highland Regional Council (Harbours) Order Confirmation Act 1991 (c. xii), **s. 61(1)(f)**
- F14** Schedule as originally enacted re-numbered Sch. 2 by Atomic Energy Authority Act 1971 (c. 11), **s.17(6)**
- F15** Sch. 2 heading substituted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 29(6)**; S.I. 2014/251, art. 4

**Modifications etc. (not altering text)**

- C2** Sch. 2 saved by virtue of Health and Safety at Work Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. Pt. VII**, s. 62
- C3** Sch. 2 repealed (E.W.)(S.) by S.I. 1974/2056
- C4** Sch. 2 modified by S.I. 1978/1039 (N. I. 9), arts. 2(2), 3, **Sch. 1**
- C5** Sch. 2 amended by S. I. 1988/1222, **regs. 3, 4**; 1990/1380, arts. 3, 4
- C6** Sch. 2 modified (7.3.1994) by S.R. 1994/1, **reg. 3**

- 1 An inquiry in pursuance of a direction under [<sup>F16</sup>section 22(10) ] of this Act with respect to any occurrence shall be held by a competent person appointed by [<sup>F17</sup>the Secretary of State ], and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

**Textual Amendments**

- F16** Words in Sch. 2 para. 1 substituted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 29(2)**; S.I. 2014/251, art. 4
- F17** Words in Sch. 2 para. 1 substituted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 29(3)**; S.I. 2014/251, art. 4

**Changes to legislation:** Nuclear Installations Act 1965 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 2 The Minister may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as [<sup>F18</sup>the Secretary of State] may, with the approval of the Treasury, determine.

#### Textual Amendments

**F18** Words in Sch. 2 para. 2 substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 29\(3\)](#); [S.I. 2014/251, art. 4](#)

- 3 The person appointed to hold the inquiry (hereafter in this Schedule referred to as “the court”) shall hold the inquiry in such manner and under such conditions as the court thinks most effectual for ascertaining the causes, circumstances and effects of the occurrence and for enabling the court to make the report hereafter in this Schedule mentioned.
- 4 The court shall, for the purposes of the inquiry, have power—
- (a) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes;
  - (b) by summons signed by the court to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine;
  - (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person;
  - (d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;
  - (e) to adjourn the inquiry from time to time; and
  - (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.
- 5 A person attending as a witness before the court shall be entitled to be paid by [<sup>F19</sup>the Secretary of State] such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the court to a master of the Supreme Court who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.

#### Textual Amendments

**F19** Words in Sch. 2 para. 5 substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 29\(3\)](#); [S.I. 2014/251, art. 4](#)

- 6 The court shall make a report to [<sup>F20</sup>the Secretary of State] stating the causes, circumstances and effects of the occurrence, adding any observations which the court thinks it right to make, and [<sup>F20</sup>the Secretary of State] shall cause copies of the report, or so much thereof as it is not in his opinion inconsistent with the interests of national security to disclose, to be laid before Parliament.

*Changes to legislation: Nuclear Installations Act 1965 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F20** Words in Sch. 2 para. 6 substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 29\(3\)](#); [S.I. 2014/251, art. 4](#)

7

If any person—

- (a) without reasonable excuse (proof whereof shall lie on him), and after having the expenses (if any) to which he is entitled tendered to him, fails to comply with any summons or requisition of the court; or
- (b) does any other thing which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court,

the court may, by instrument signed by the court, certify the offence of that person to the High Court [<sup>F21</sup>and the High Court] may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court <sup>F22</sup>....

**Textual Amendments**

**F21** Words in Sch. 2 para. 7 substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 29\(4\)\(a\)](#); [S.I. 2014/251, art. 4](#)

**F22** Words in Sch. 2 para. 7 omitted (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 29\(4\)\(b\)](#); [S.I. 2014/251, art. 4](#)

<sup>F23</sup>g

.....

**Textual Amendments**

**F23** Sch. 2 para. 8 omitted (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 29\(5\)](#); [S.I. 2014/251, art. 4](#)

**Changes to legislation:**

Nuclear Installations Act 1965 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 1 modified by 2014 c. 20 Sch. 1 para. 3(1)
- s. 2 modified by 2014 c. 20 Sch. 1 para. 3(1)
- s. 3(12)(b) words substituted by 2023 c. 52 s. 303(3)(a)
- s. 5 heading words omitted by 2023 c. 52 s. 303(5)(a)
- s. 5(1) word omitted by 2023 c. 52 s. 303(5)(b)(i)
- s. 5(1)(b) omitted by 2023 c. 52 s. 303(5)(b)(ii)
- s. 5(2) words inserted by 2023 c. 52 s. 303(5)(c)
- s. 5(3) words omitted by 2023 c. 52 s. 303(5)(d)
- s. 5(15)(a) words substituted by 2023 c. 52 s. 303(5)(e)
- s. 7B(4) words substituted by 2023 c. 52 s. 304(2)(d)
- s. 7B(5)(a) words inserted by 2023 c. 52 s. 303(7)(b)
- s. 7B(9) words inserted by 2023 c. 52 s. 304(2)(f)(i)
- s. 7B(9) words omitted by 2023 c. 52 s. 304(2)(f)(ii)
- s. 26(1) words inserted by 2023 c. 52 s. 302(3)(a)
- s. 26(1) words inserted by 2023 c. 52 s. 302(3)(b)
- s. 26(1) words inserted by 2023 c. 52 s. 304(5)
- Sch. 1 para. 56 by 2001 c. 24 s. 78(1)Sch. 8 Pt. 5

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by 2014 c. 20 Sch. 1 para. 3(2)(3)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(2A)(2B) inserted by 2023 c. 52 s. 156(2)
- s. 1(12) inserted by 2023 c. 52 s. 302(2)
- s. 1(13) inserted by 2023 c. 52 s. 303(2)
- s. 3(12A) inserted by 2023 c. 52 s. 303(3)(b)
- s. 3A inserted by 2023 c. 52 s. 303(4)
- s. 5(15)(ba)(bb) inserted by 2023 c. 52 s. 303(5)(f)
- s. 5A inserted by 2023 c. 52 s. 303(6)
- s. 7B(2A) inserted by 2023 c. 52 s. 303(7)(a)
- s. 7B(2B) inserted by 2023 c. 52 s. 304(2)(a)
- s. 7B(3)(e) inserted by 2023 c. 52 s. 304(2)(b)
- s. 7B(3A) inserted by 2023 c. 52 s. 304(2)(c)
- s. 7B(5A) inserted by 2023 c. 52 s. 303(7)(c)
- s. 7B(7A) inserted by 2023 c. 52 s. 304(2)(e)
- s. 20(5A) inserted by 2023 c. 52 s. 304(4)
- s. 27(1)(aa) inserted by 2023 c. 52 s. 303(8)