



Nuclear Safeguards and Electricity (Finance) Act 1978

1978 CHAPTER 25

Safeguards on nuclear material

1 The Safeguards Agreement

- (1) The provisions of sections 2 and 3 below shall have effect for the purpose of enabling effect to be given in the United Kingdom to the Agreement made on 6th September 1976 at Vienna between the United Kingdom, the European Atomic Energy Community and the International Atomic Energy Agency for the application of Safeguards in the United Kingdom in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.
- (2) The text of the Agreement referred to in subsection (1) above was presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty on 3rd March 1977, and in the following provisions of this Act—
 - (a) the Agreement (of which the Protocol attached thereto forms an integral part) is referred to as " the Safeguards Agreement"; and
 - (b) any reference to a numbered article is a reference to the article of the Safeguards Agreement which bears that number.

2 Rights of Agency inspectors

- (1) Subject to subsection (2) below, for the purpose of—
 - (a) making any inspection permitted by articles 71 to 84; or
 - (b) verifying design information, as mentioned in article 50,any person designated as an inspector of the International Atomic Energy Agency under article 85 may enter any facility or part thereof and there make any inspection or do any other thing which may reasonably be required for that purpose.

- (2) The powers conferred by subsection (1) above shall be exercisable only in the cases specified in, and subject to the provisions of, the Safeguards Agreement and, in particular,—
- (a) shall be exercisable only in accordance with articles 5, 9(c) and 87 and the provisions of the Protocol which forms part of the Safeguards Agreement; and
 - (b) where article 83 applies, shall not be exercisable unless any advance notice required by that article has been given.
- (3) In the following provisions (which restrict rights of entry to certain prohibited places which belong to or are used for the purposes of the United Kingdom Atomic Energy Authority or which are sites of nuclear installations) namely—
- (a) subsection (3) of section 6 of the Atomic Energy Authority Act 1954; and
 - (b) sub-paragraph (2) of paragraph 3 of Schedule 1 to the Nuclear Installations Act 1965 (as inserted into that Act by the Atomic Energy Authority Act 1971),
- at the end of paragraph (b) there shall be added the words “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)”.
- (4) Any person who—
- (a) intentionally obstructs any person exercising a power conferred by subsection (1) above; or
 - (b) without reasonable excuse refuses or fails to provide any information or to permit any inspection reasonably required by any such person; or
 - (c) without reasonable excuse refuses or fails to carry out in a facility any operation which he is requested to carry out by a person designated as mentioned in subsection (1) above,
- shall be liable on summary conviction to a fine not exceeding £1,000.
- (5) If any person in giving any information reasonably required by any person exercising a power conferred by subsection (1) above makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular he shall be liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.
- (6) In this section " the statutory maximum " means—
- (a) in England and Wales and Northern Ireland, the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977 (at the passing of this Act £1,000); and
 - (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000);
- and for the purposes of the application of this definition in Northern Ireland the provisions of the Criminal Law Act 1977 which relate to the sum mentioned in paragraph (a) above shall extend to Northern Ireland.
- (7) In this section " facility " has the meaning assigned to it by article 92(2)I.

3 Regulations for giving effect to certain provisions of Safeguards Agreement

- (1) The Secretary of State may by regulations make such provision as appears to him to be necessary—
 - (a) for taking any action required in the United Kingdom under article 18 or article 19; and
 - (b) for giving effect to any arrangements made under article 76(d);and any such provision may impose limitations on the scope or exercise of any power conferred by section 2(1) above.
- (2) Regulations under this section may provide that any person contravening or failing to comply with any provision of the regulations shall be liable on summary conviction to a fine not exceeding £500.
- (3) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

4 Offences by bodies corporate

- (1) Where an offence under section 2 above or under regulations made under section 3 above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.