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STATUTORY INSTRUMENTS

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**2003 No. 403**

**The Nuclear Industries Security Regulations 2003**

**PART 1**

**INTRODUCTORY**

**Citation, commencement, revocation and extent**

- 1.—(1) These Regulations may be cited as the Nuclear Industries Security Regulations 2003.
- (2) These Regulations come into force on 22nd March 2003, except that Part 3 and the provisions of Parts 1 and 5 so far as they apply for the purposes of Part 3 come into force on 22nd September 2003.
- (3) The Nuclear Generating Stations (Security) Regulations 1996<sup>(1)</sup> are hereby revoked.
- (4) Subject to paragraph (5), these Regulations extend to Northern Ireland.
- (5) Paragraph (3) of this regulation and regulations 3(1) and (2) and 23 do not extend to Northern Ireland (but nothing in this paragraph prevents “nuclear material” in these Regulations from having the same meaning in all parts of the United Kingdom (see regulation 2(1)).
- (6) Regulation 24 extends only to Northern Ireland.

**Interpretation: general**

- 2.—(1) In these Regulations, unless the context otherwise requires—
  - “the 1974 Act” means the Health and Safety at Work etc. Act 1974;
  - “the 2001 Act” means the Anti-terrorism, Crime and Security Act 2001;
  - “the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978<sup>(2)</sup>;
  - “approved carrier” means a Class A carrier or a Class B carrier;
  - “approved security plan” means a security plan which has been approved by the Secretary of State under regulation 5 or 6, as amended by any amendments approved under regulation 6, and which has not been revoked (but see regulation 8 (temporary security plans));
  - “approved transport plan” means a transport plan which has been approved by the Secretary of State under regulation 19;
  - “approved transport security statement” means a transport security statement which has been approved by the Secretary of State under regulation 16, as amended by any amendments approved under that regulation, and which has not been revoked;
  - “carrier” means a person undertaking the transport of Category I/II nuclear material or Category III nuclear material, and includes both a carrier for hire or reward and a carrier on his own account;

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(1) S.I. 1996/665.

(2) S.I. 1978/1039 (N.I. 9).

- “Category I/II nuclear material” has the meaning given in regulation 3(3);
- “Category III nuclear material” has the meaning given in regulation 3(4);
- “Class A carrier” means a carrier approved by the Secretary of State under Part 3 of these Regulations to transport Category I/II nuclear material and Category III nuclear material;
- “Class B carrier” means a carrier approved by the Secretary of State under Part 3 of these Regulations to transport Category III nuclear material;
- “commencement date” means 22nd March 2003;
- “enriched”, in relation to uranium, means enriched so as to contain more than 0.711% of uranium-235;
- “nuclear material” has the meaning given in section 76(7) of the 2001 Act (as extended under regulation 3);
- “nuclear premises” means—
- (a) a nuclear site on which nuclear material or other radioactive material is used or stored;
  - (b) premises that form part of a nuclear site and are premises on which a person, who is not the holder of the nuclear site licence and is not acting as an officer, employee or contractor of that holder, uses or stores nuclear material or other radioactive material; or
  - (c) other nuclear premises on which Category I/II nuclear material or Category III nuclear material is used or stored, but excluding premises that are used solely for the purpose of the temporary storage of such material during the course of or incidental to its transport in any case where the standards, procedures and arrangements in respect of the security of the transport are contained in an approved transport security statement;
- “nuclear site” has the meaning given in section 76(7) of the 2001 Act;
- “nuclear site licence” has the same meaning as in section 1 of the Nuclear Installations Act 1965(3);
- “other nuclear premises” has the meaning given in section 77(7) of the 2001 Act;
- “relevant personnel”, in relation to a person (“the principal”) who is the responsible person in relation to any nuclear premises, a carrier or a person to whom regulation 22 applies, means—
- (a) each of the principal’s officers, employees, contractors and consultants, and
  - (b) each officer, employee, contractor or consultant of the principal’s contractors and consultants;
- “responsible person” has the meaning given in paragraph (2);
- “security plan” must be construed in accordance with regulation 4(2) and (3);
- “sensitive nuclear information” has the meaning given in section 77(7) of the 2001 Act;
- “transport” means transport by any means, but excluding—
- (i) transport by air, and
  - (ii) transport within nuclear premises or between adjacent nuclear premises;
- “transport plan” must be construed in accordance with regulation 19(3);
- “transport security statement” must be construed in accordance with regulation 16(2) and (3);
- “United Kingdom person” has the meaning given in section 81(2) of the 2001 Act; and
- “United Kingdom ship” has the meaning given in section 77(7) of the 2001 Act.
- (2) “Responsible person”, in relation to any nuclear premises, means—

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(3) 1965 c. 57; section 1(1) is amended by S.I. 1974/2056, regulation 2 and Schedule 2, and by S.I. 1990/1918, regulation 2 and the Schedule.

- (a) in the case of a nuclear site falling within paragraph (a) of the definition of “nuclear premises”, the holder of the nuclear site licence;
- (b) in the case of premises falling within paragraph (b) of that definition, the person mentioned in that paragraph; and
- (c) in the case of premises falling within paragraph (c) of that definition, the person who uses or stores the Category I/II nuclear material or Category III nuclear material on those premises,

but this is subject to paragraph (3).

(3) No person is the responsible person in relation to any nuclear premises falling within paragraph (b) or (c) of the definition of “nuclear premises” by virtue of using or storing nuclear material or other radioactive material on behalf of another person if he is that other person’s officer, employee or contractor.

### **Meaning of “nuclear material”, “Category I/II nuclear material” and “Category III nuclear material”**

3.—(1) For the purposes of paragraph (b) of the definition of “nuclear material” in section 76(7) of the 2001 Act (meaning of “nuclear material” in section 76) material of the following kinds is prescribed—

- (a) previously separated americium-241 which is not irradiated,
- (b) previously separated americium-242m which is not irradiated,
- (c) previously separated americium-243 which is not irradiated, and
- (d) previously separated neptunium-237 which is not irradiated.

(2) In paragraph (1)—

“irradiated”, in relation to any kind of material, means that the material has a total radiation output giving a dose rate exceeding 1 Gray per hour at one metre from the unshielded surface of the material; and

“previously separated”, in relation to any kind of material, means that the material has been subject to treatment that increases the concentration of the material.

(3) For the purposes of these Regulations, nuclear material is “Category I/II nuclear material” if and only if it is—

- (a) a kind of nuclear material specified in column 1 of the Table in the Schedule to these Regulations in relation to which there is an entry in column 2 of that Table specifying a quantity (including “any quantity”) for material of that kind, and
- (b) of such a quantity as is specified in column 2 of that Table for material of that kind.

(4) For the purposes of these Regulations, nuclear material is “Category III nuclear material” if and only if it is—

- (a) a kind of nuclear material specified in column 1 of the Table in the Schedule to these Regulations in relation to which there is an entry in column 3 of that Table specifying a quantity (including “any quantity”) for material of that kind, and
- (b) of such a quantity as is specified in column 3 of that Table for material of that kind.

(5) In determining the quantity of material of any kind for the purposes of paragraphs (3)(b) and (4)(b)—

- (a) in the case of material used or stored on nuclear premises, the quantities of all material of the kind in question that is being used or stored on the nuclear premises in question are to be aggregated, and

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- (b) in the case of material being transported by road, train or ship, the quantities of all material of the kind in question that is being transported in the road convoy, on the train or on the ship, as the case may be, are to be aggregated.