
STATUTORY INSTRUMENTS

2003 No. 403

The Nuclear Industries Security Regulations 2003

PART 2

SECURITY OF NUCLEAR PREMISES

Requirement for approved security plan for nuclear premises

4.—(1) There must be an approved security plan for each nuclear premises (whether or not the premises form part of other premises to which this paragraph applies).

(2) A security plan must describe in writing the standards, procedures and arrangements adopted or to be adopted by the responsible person to ensure the security of—

- (a) the nuclear premises in relation to which he is the responsible person,
- (b) any Category I/II nuclear material and Category III nuclear material used or stored on the premises,
- (c) any equipment used or stored on the premises in connection with activities involving nuclear material,
- (d) any sensitive nuclear information kept on the premises, and
- (e) in the case of nuclear premises which are or form part of a nuclear site—
 - (i) any nuclear material (so far as not already mentioned in sub-paragraph (b)) and other radioactive material used or stored on the premises, and
 - (ii) any equipment used or stored on the premises in connection with activities involving other radioactive material.

(3) In particular, but without prejudice to the generality of paragraph (2), the plan must describe the standards, procedures and arrangements relating to—

- (a) the investigation and assessment by the Secretary of State of the suitability of relevant personnel of the responsible person with a view to ensuring the security of the premises and the material, equipment and information mentioned in paragraph (2);
- (b) the receipt and despatch of any Category I/II nuclear material and Category III nuclear material to be transported to or from the nuclear premises;
- (c) the manner in which the nuclear premises are to be policed and guarded, including the identity of the person providing any constables or persons acting as guards, the total number of constables and such persons attached to the premises and the number of such constables or other persons who will normally be present there; and
- (d) the steps to be taken by the responsible person or any person acting on his behalf if any event of a kind specified in regulation 10(5)(a), (b), (e) or (h) that requires immediate action occurs, and the regular practice of the activities required in connection with those steps.

(4) In the case of premises which are nuclear premises on the commencement date, paragraph (1) does not apply until—

- (a) if a security plan has been submitted by 22nd June 2003 to the Secretary of State for approval under regulation 5, the date on which the Secretary of State approves a security plan for the premises, or
- (b) if it has not, 22nd June 2003.

Submission and approval of first security plans

5.—(1) The responsible person in relation to each nuclear premises must submit a security plan for the premises to the Secretary of State for approval.

(2) The Secretary of State may approve the plan as submitted or with such amendments as she may require.

(3) In the case of premises which are nuclear premises on the commencement date, the security plan must be submitted by 22nd June 2003.

Replacement, amendment and revocation of approved security plans

6.—(1) The responsible person in relation to each nuclear premises may at any time submit to the Secretary of State for approval—

- (a) a fresh security plan for the premises, or
- (b) proposals for amending the approved security plan for the premises.

(2) The Secretary of State may approve the plan or proposals as submitted or with such amendments as she may require.

(3) On approving a fresh security plan for the premises, the Secretary of State may revoke the approval of the former plan for the premises.

Maintenance of security

7.—(1) The responsible person in relation to each nuclear premises must comply with the standards, procedures and arrangements described in the approved security plan for the premises.

(2) The responsible person is not to be regarded as having failed to comply with any of those standards, procedures or arrangements by reason of any matter if the Secretary of State has notified the responsible person in writing that that matter, or a matter of its description, is in her opinion unlikely to be prejudicial to the security of the premises and the material, equipment and information mentioned in regulation 4(2).

Temporary security plans during building works etc.

8.—(1) If it is proposed to carry out any work of alteration or extension to any building or other structure which is, or forms part of, nuclear premises—

- (a) the responsible person in relation to the premises must give notice in writing to the Secretary of State—
 - (i) specifying the nature of the proposed works, and
 - (ii) stating whether in his opinion they are likely to involve any derogation from any of the standards, procedures and arrangements described in the approved security plan for the premises, and
- (b) the works may not be begun until the Secretary of State has approved a temporary security plan for them.

(2) Paragraph (1) does not apply in the case of any particular work if before the work is begun the Secretary of State has notified the responsible person in writing that that work, or any work of a

description that includes that work, is in her opinion unlikely to be prejudicial to the security of the premises and the material and equipment mentioned in regulation 4(2).

(3) To obtain approval of a temporary security plan for any works, the responsible person must submit the plan in writing to the Secretary of State.

(4) The temporary security plan must describe any standards, procedures and arrangements which the responsible person proposes to adopt to ensure the security of the premises and the material and equipment mentioned in regulation 4(2) during the period whilst the works are being carried out.

(5) The Secretary of State may approve the temporary security plan as submitted or with such amendments as she may require.

(6) During the period whilst the works are being carried out, the approved security plan for the premises has effect subject to the approved temporary security plan.

(7) During that period the responsible person must comply with the standards, procedures and arrangements described in the approved temporary security plan.

(8) The responsible person may at any time submit proposals for amending the approved temporary security plan to the Secretary of State, and the Secretary of State may approve the proposals as submitted or with such amendments as she may require.

(9) In the case of premises which are nuclear premises on the commencement date, paragraphs (1) to (8) of this regulation do not apply until there is an approved security plan for the premises.

Requirement for approval of relevant personnel

9. The responsible person in relation to each nuclear premises must ensure that each of his relevant personnel in relation to the premises who—

- (a) is specified in the approved security plan for the premises as requiring investigation and assessment as mentioned in regulation 4(3)(a), or
- (b) falls within a description of persons who are so specified,

is a person who has been approved by the Secretary of State as being of suitable character and integrity, having regard to the need to ensure the security of the premises and the material, equipment and information mentioned in regulation 4(2).

Reports by responsible persons

10.—(1) The responsible person in relation to each nuclear premises must report to the Secretary of State any event or matter of a kind specified in paragraph (5) as soon as practicable and in any event within 24 hours of its becoming known to him.

(2) If it is not reasonably practicable for him to make a written report within that period, he must make the report orally and confirm it in writing within 48 hours of the event or matter becoming known to him.

(3) In any other case the report must be made in writing.

(4) The report must specify the nature of the matter or event and, in the case of an event, the date and time it occurred and the apparent reason for it.

(5) The events and matters are—

- (a) any unauthorised incursion on to the premises or any attempted or suspected such incursion;
- (b) any incident occurring on the premises involving an explosive or incendiary device or suspected such device, or a firearm or replica firearm;

- (c) any damage to any building or equipment on the premises which might affect the security of the premises or any material or equipment mentioned in regulation 4(2);
- (d) any malicious damage to any building or equipment on the premises, other than any trivial damage that does not affect the security of the premises or any material or equipment mentioned in regulation 4(2);
- (e) any theft or attempted theft, or any loss or suspected loss, or any unauthorised movement—
 - (i) of any nuclear material used or stored on the premises or in transit to or from them, or
 - (ii) in the case of premises which are or form part of a nuclear site, of any other radioactive material used or stored on them;
- (f) any theft or attempted theft, or any loss or unauthorised disclosure, of sensitive nuclear information kept on the premises, or any suspected such theft, loss or disclosure;
- (g) any unauthorised access to any sensitive nuclear information kept on the premises, or any attempt to gain such access;
- (h) any threat to do anything which would fall within any of sub-paragraphs (a) to (g);
- (i) any failure to comply with any of the standards, procedures and arrangements described in the approved security plan for the premises or in any approved temporary security plan to which for the time being they are subject;
- (j) any other event or matter which might affect the security of the premises or the material, equipment or information mentioned in regulation 4(2).

Directions to responsible persons

11.—(1) The responsible person in relation to each nuclear premises must comply with any direction given by the Secretary of State for the purpose specified in section 77(1) of the 2001 Act requiring him—

- (a) to adopt or implement, in respect of the whole or any specified part of the premises, standards, procedures or arrangements specified in the direction and to secure that the responsible person's officers, employees, contractors and consultants comply with them,
 - (b) to submit a fresh security plan or amendments of the approved security plan for the premises to the Secretary of State for approval,
 - (c) to satisfy the Secretary of State about the continuing or future adequacy of the approved security plan for the premises, or that the responsible person is complying with it,
 - (d) to record or investigate in such manner as is specified in the direction—
 - (i) any event or matter of a kind specified in regulation 10(5), or
 - (ii) any such other event or matter as is specified in the direction,or to report, in such manner as is specified in the direction, to the Secretary of State, or such other person as is so specified, any such other event or matter as is so specified, or
 - (e) to take such steps as the Secretary of State considers necessary to remedy or alleviate the consequences of any contravention of these Regulations.
- (2) Such a direction may impose a requirement to be met—
- (a) within a period specified in the direction, or
 - (b) in the case of a direction under paragraph (1)(c), periodically at such intervals as are specified in the direction.

Transitional provisions: security obligations under old legislation

12.—(1) Where, immediately before the commencement date, an operator of nuclear premises which is a generating station or a laboratory was under any obligation under the Nuclear Generating Stations (Security) Regulations 1996⁽¹⁾ (“the 1996 Regulations”) by virtue of any existing approved security plan, the operator must continue to comply with that obligation as if it were an obligation under these Regulations until there is an approved security plan for those premises.

(2) In this regulation—

- (a) “operator”, “generating station” and “laboratory” have the same meaning as in the 1996 Regulations; and
- (b) “existing approved security plan” means “approved security plan”, as defined in regulation 2(d) of those Regulations.

⁽¹⁾ S.I. 1996/665.