
STATUTORY INSTRUMENTS

2003 No. 403

The Nuclear Industries Security Regulations 2003

PART 1

INTRODUCTORY

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(1);
 - “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Secretary of State under regulation 5 or 6, as amended by any amendments approved under regulation 6, and which has not been revoked (but see regulation 8 (temporary security plans));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Secretary of State under regulation 16, as amended by any amendments approved under that regulation, and which has not been revoked;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;
 - “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(2);

“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—
 - (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.

(2) 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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
