

*Status: Point in time view as at 01/05/2004.*

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## [<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**F2** Sch. 1 para. 2 repealed by Official Secrets Act 1989 (c. 6, SIF 39:2), s. 16(4), Sch. 2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 section 19 of the <sup>M2</sup>Health and Safety at Work etc. Act 1974 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>F6</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

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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)(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.
- M2** 1974 c. 37.

4 [F7(1) Section 3 of the Special Constables Act 1923 shall have effect as if all premises in the occupation or under the control of the specified body corporate were under the control of the Authority.]

(2) ..... F8

[F9(3) For the purposes of section 2 of the M3Metropolitan Police Act 1860 (which limits the use of the powers of special constables to property of the Crown in certain circumstances) any property of the specified body corporate shall be deemed to be property of the Crown; and in this sub-paragraph property of the specified body corporate includes property which (though not owned by them) is in their possession or under their control and property which has been unlawfully removed from their possession or control]

**Textual Amendments**

- F7** Sch. 1 para. 4(1) substituted by Ministry of Defence Police Act 1987 (c. 4, SIF 95), s. 7(4)(a)
- F8** Sch. 1 para. 4(2) repealed by Ministry of Defence Police Act 1987 (c. 4, SIF 95), s. 7(4)(b)
- F9** Para. 4(3) added by Atomic Energy Authority (Special Constables) Act 1976 (c. 23), s. 2(1)

**Marginal Citations**

- M3** 1860 c. 135.

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.

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- (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-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
- (b) in paragraph 4(1), for the reference to section 3 of the <sup>M4</sup>Special Constables Act 1923 there shall be substituted a reference to paragraph 1(2) of Schedule 2 to the <sup>M5</sup>Emergency Laws (Miscellaneous Provisions) Act 1947.

#### Marginal Citations

**M4** 1923 c. 11.

**M5** 1947 c. 10 (11 & 12 Geo. 6).

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