
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the regulation of the civil nuclear industry for security purposes and prescribe certain types of fissile material as “nuclear material” for the purposes of the definition of “nuclear material” in section 76(7) of the Anti-terrorism, Crime and Security Act 2001. The Regulations are in five Parts.

Part 1 provides for introductory matters.

Regulation 1 provides that the Regulations will commence on 22nd March 2003, except for Part 3, and Parts 1 and 5 so far as they apply for the purposes of Part 3, which will commence on 22nd September 2003. It also revokes the Regulations formerly providing for the regulation of the security of nuclear generating stations, the Nuclear Generating Stations (Security) Regulations 1996.

Regulation 2 sets out the meanings of a number of expressions used in the Regulations.

Regulation 3 extends the definition of “nuclear material” in section 76 of the Anti-terrorism, Crime and Security Act 2001 by prescribing certain additional kinds of material. (This definition applies for the purposes of these Regulations.)

Part 2 makes provision about the security of nuclear premises.

Regulation 4 requires that there should be an approved security plan for each nuclear premises. It sets out what the plan must contain. For existing nuclear premises this requirement does not apply until 22nd June 2003. But if a draft plan has been submitted to the Secretary of State before, the requirement only applies when the Secretary of State approves a security plan for the premises.

Regulations 5 and 6 provide for the submission of the first draft security plans for nuclear premises to the Secretary of State, for her to approve them with or without modifications and for amendments and replacements of approved plans to be submitted to her for approval. It also enables her to revoke approved plans which are replaced.

Regulation 7 imposes an obligation on the responsible person in relation to any nuclear premises to comply with the approved security plan for the premises.

Regulation 8 requires temporary security plans to be submitted and approved for works affecting nuclear premises, except in certain circumstances.

Regulation 9 requires the responsible person to ensure that staff identified in the approved security plan are approved by the Secretary of State as being suitable.

Regulation 10 requires the responsible person to report certain events and matters to the Secretary of State (in practice, the Office for Civil Nuclear Security) within 24 hours.

Regulation 11 requires the responsible person to comply with directions given by the Secretary of State for security purposes.

Regulation 12 makes transitional provision by requiring certain operators who had obligations deriving from existing approved security plans under preceding legislation to continue to comply with those obligations until there is an approved security plan under these regulations for their premises.

Part 3 makes provision about the security of transport of nuclear material.

Regulation 13 prohibits any person from transporting certain categories of nuclear material unless he is an approved carrier for the category of material in question, and requires the responsible person

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

for nuclear premises to ensure that transports arranged by him to and from his premises are by such carriers.

Regulations 14 and 15 provide for the approval of carriers by the Secretary of State, and the revocation of such approvals. A carrier may only be approved under regulation 14 if he has submitted a transport security statement to the Secretary of State which she has approved, and regulation 16 makes further provision about the submission, content and amendment of those statements.

Regulation 17 requires approved carriers to comply with those statements and to notify the Secretary of State about relevant changes that have occurred. It also imposes an obligation on approved carriers to ensure that staff identified in their approved transport security statement are approved by the Secretary of State as being suitable.

Regulation 18 requires approved carriers to report certain events and matters to the Secretary of State (in practice, the Office for Civil Nuclear Security) within 24 hours.

Regulation 19 prohibits approved carriers from transporting Category I/II nuclear material unless a transport plan relating to the particular transport has been approved by the Secretary of State, and provides for the submission and approval of such plans. The carrier must comply with the plan.

Regulation 20 requires advance notice to be given by a carrier to the Secretary of State when Category III nuclear material is to be transported, except where the carrier is the operator of a roll on roll off ferry.

Regulation 21 requires approved carriers to comply with directions given by the Secretary of State for security purposes that relate to their business as carriers of nuclear material.

Part 4 makes provision about the security of sensitive nuclear information.

Regulation 22 requires certain persons to maintain adequate security standards, to comply with directions from the Secretary of State, to ensure that staff identified in such a direction are approved by the Secretary of State as being suitable, and to report security incidents to her.

Part 5 contains general and supplementary provisions.

Regulation 23 applies a number of provisions of the Health and Safety at Work etc. Act 1974 for the purposes of the Regulations with modifications.

Regulation 24 applies a number of provisions of the Health and Safety at Work (Northern Ireland) Order 1978 for the purposes of the Regulations with modifications.

Regulation 25 makes provision about offences where there is a failure to comply with the Regulations.

Regulation 26 excludes premises used for defence purposes and transports for those purposes from the scope of the Regulations.

Regulation 27 provides that the Regulations apply to all transport in United Kingdom ships. It also provides that regulations 18 to 21 and the introductory, general and supplementary provisions apply (with certain modifications) to transport in non-United Kingdom ships within the United Kingdom or its territorial sea that are proceeding to or from United Kingdom ports for the purpose of transporting nuclear material. There is an exclusion for ships owned by foreign Governments that are not being used for commercial purposes.

Regulation 28 provides for the Regulations to apply to hovercraft in a similar way to that in which they apply to ships.

A regulatory impact assessment in respect of these Regulations may be obtained from the Department of Trade and Industry, Energy Innovation and Business Unit, 1 Victoria Street, London SW1H 0ET. A copy has been placed in the library of each House of Parliament.