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STATUTORY INSTRUMENTS

2014 No. 526

**ATOMIC ENERGY AND
RADIOACTIVE SUBSTANCES**

**The Nuclear Industries Security (Amendment) and
Nuclear Security (Prescribed Material) Regulations 2014**

Made - - - - 6th March 2014

Laid before Parliament 10th March 2014

Coming into force - - 31st March 2014

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 77 of the Anti-terrorism, Crime and Security Act 2001(1) and section 70(3) of the Energy Act 2013(2).

In accordance with section 77(5) of the Anti-terrorism, Crime and Security Act 2001, the Secretary of State has consulted the Health and Safety Executive and such other persons as the Secretary of State considers appropriate.

Citation and commencement

1. These Regulations may be cited as the Nuclear Industries Security (Amendment) and Nuclear Security (Prescribed Material) Regulations 2014 and come into force on 31st March 2014.

Prescribed fissile material

2.—(1) For the purposes of the definition of “nuclear material” in section 70(3) of the Energy Act 2013 (meaning of “nuclear material” for the ONR’s nuclear security purposes) fissile 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;

(1) 2001 c. 24; section 77 was amended by the Energy Act 2004 (c. 20), section 77 and Schedule 14, paragraph 10(1); by Schedule 3 to S.I. 2008/960; by the Energy Act 2011 (c. 16) section 105. Other amendments to section 77 are not relevant for these purposes.

(2) 2013 c. 32.

- (c) previously separated americium-243 which is not irradiated;
 - (d) previously separated neptunium-237 which is not irradiated.
- (2) For the purposes of paragraph (1)—
- “irradiated” in relation to any kind of material, means that the material has a total radiation output giving a dose rate exceeding one 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.

Amendment of the Nuclear Industries Security Regulations 2003

3. In regulation 4(3A) of the Nuclear Industries Security Regulations 2003(3), in both places where it occurs, for “to the extent that, and only in relation to, an” substitute “in relation to any”.

Review

- 4.—(1) Before the end of the review period, the Secretary of State must—
- (a) carry out a review of regulation 2 of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by regulation 2 of these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a way that imposes less regulation.
- (3) The Secretary of State may exclude from the published report anything the publication of which the Secretary of State considers to be contrary to the interests of national security.
- (4) In paragraph (1), “review period” means the period of five years beginning with the day on which these Regulations come into force.

6th March 2014

Verma
Parliamentary Under Secretary of State
Department of Energy and Climate Change

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations extends the definition of “nuclear material” for the purposes of section 70(3) of the Energy Act 2013 (Office for Nuclear Regulation’s nuclear security purposes) by prescribing additional kinds of fissile material.

Regulation 3 of these Regulations corrects an error in the drafting of the Nuclear Industries Security (Amendment) Regulations 2013 (S.I. 2013/190) (“the Amending Regulations”) identified in the 23rd report of the Joint Committee on Statutory Instruments (“JCSI”) for the Parliamentary Session 2012-2013. The Amending Regulations inserted new provisions into the Nuclear Industries Security Regulations 2003 (S.I. 2003/403) (“the Principal Regulations”) requiring that a security plan for one nuclear site or nuclear construction site must cover activities that may affect security at another nuclear site that is within 5 kilometres of it. The JCSI reported defective drafting in the phrase used to express the range of activities that must be covered by the security plan. These Regulations amend regulation 4(3A) in the Principal Regulations in order to rectify this error.

Regulation 4 provides for regulation 2 of these Regulations to be reviewed before the end of five years beginning with the day on which they come into force.

A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.