

SCHEDULE 4

Regulation 2

Civil nuclear

Activity - civil nuclear

1. A qualifying entity carrying on activities that consist of or include any of the following—
 - (a) subject to paragraph 2, holding a nuclear site licence granted in accordance with section 3 of the Nuclear Installations Act 1965(1) or applying for such a licence;
 - (b) subject to paragraph 2, being a tenant on a site in respect of which a nuclear site licence has been granted in accordance with section 3 of the Nuclear Installations Act 1965;
 - (c) holding either or both Category I/II or Category III nuclear material as defined in regulation 3(3) and (4) of the Nuclear Industries Security Regulations 2003(2);
 - (d) being a Class A carrier or a Class B carrier of nuclear material as approved under regulation 14 of the Nuclear Industries Security Regulations 2003(3);
 - (e) being in receipt of an order granting development consent under the Planning Act 2008(4) in relation to a nuclear reactor (as defined in section 26(1) of the Nuclear Installations Act 1965), or applying for such development consent;
 - (f) being, or having been, required to pay a fee to the Office for Nuclear Regulation under regulation 16(1) of the Health and Safety and Nuclear (Fees) Regulations 2021(5), where the outcome of the assessment for which that fee is to be, or has been, paid has not been determined;
 - (g) holding any equipment, software or information to which regulation 2(3) or (4), of the Uranium Enrichment Technology (Prohibition on Disclosure) Regulations 2004 applies(6);
 - (h) holding sensitive nuclear information as defined in section 77(7) of the Anti-Terrorism, Crime and Security Act 2001(7);
 - (i) being given financial support under section 5 of the Science and Technology Act 1965(8), or under section 93 of the Higher Education and Research Act 2017(9), for or in relation to nuclear reactors (as defined in section 26 of the Nuclear Installations Act 1965).

Exclusion

2. Paragraph 1(a) or (b) do not apply where the site to which the nuclear site licence relates is controlled or operated wholly or mainly for defence purposes as defined in section 70(3) of the Energy Act 2013(10).

(1) 1965 c. 57. Section 3 was substituted by the Energy Act 2013 (c. 32), section 116, Schedule 12, Part 2, paragraphs 16 and 18.
(2) S.I. 2003/403; amended by S.I. 2016/795, regulation 2.
(3) Regulation 14 was amended by S.I. 2014/469.
(4) 2008 c. 29.
(5) S.I. 2021/33.
(6) S.I. 2004/1818.
(7) The definition of “nuclear material” in section 77(7) was substituted by the Energy Act 2004 (c. 20), section 69(1), Schedule 14, paragraph 10(1).
(8) 1965 c. 4. Section 5(1) was substituted by S.I. 1995/2985, art. 5(1), Schedule para. 1(2)(a). Other amendments have been made to section 5 which are not relevant to these Regulations.
(9) 2017 c. 29.
(10) 2013 c. 32.