STATUTORY INSTRUMENTS

2017 No. 463

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES NUCLEAR SECURITY

The Nuclear Industries Security (Amendment) Regulations 2017

Made - - - -	*21st March 2017*
Coming into force - -	*31st March 2017*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 74(1)(b), (3)(a), (c) and (f) and 75(1)(b), (2) and (6) of, and paragraphs 1, 8, 9(2) and (3) and 14 of Schedule 6 to, the Energy Act 2013(**1**).

In accordance with section 74(7)(a) and (c) of that Act, the Secretary of State has consulted the Office for Nuclear Regulation and such other persons as the Secretary of State considered appropriate.

For the purposes of section 74(9) and (10) of that Act, these Regulations are made for the nuclear security purposes.

In accordance with section 113(2)(a) and (3)(c) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Nuclear Industries Security (Amendment) Regulations 2017 and come into force on 31st March 2017.

Amendments to the Nuclear Industries Security Regulations 2003

2. The Nuclear Industries Security Regulations 2003(**2**) are amended as follows.

(**1**) 2013 c. 32. These Regulations amend the Nuclear Industries Security Regulations 2003 (S.I. 2003/403), which were made under powers in the Health and Safety at Work etc Act 1974 (c. 37) and the Anti-terrorism, Crime and Security Act 2001 (c. 24). By virtue of article 4(a) of, and paragraph 1 of Schedule 1 to, the Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), the Nuclear Industries Security Regulations 2003 are to be treated as regulations made under the Energy Act 2013. In accordance with sections 74(11) and 75(6) of that Act, 'specified' for the purposes of section 75(2) of, and of Schedule 6 to that Act, means specified in nuclear regulations. In accordance with paragraph 3 of Schedule 6 to that Act, 'activity' for the purposes of Part 2 of that Schedule, includes process, operation or act.

(**2**) S.I. 2003/403, amended by S.I. 2006/2815, 2013/190, 2014/469, 2014/526 and 2016/795.

Requirement for approved security plan for nuclear premises

3. In regulation 4 (requirement for approved security plan for nuclear premises)—

(a) for paragraph (1) substitute—

"(1) The responsible person must ensure that there is an approved security plan in place at all times for each nuclear premises in relation to which that person is responsible (whether or not the premises form part of other premises to which this paragraph applies)."; and

(b) in paragraph (3)(d), after "(e)" insert ", (f), (g)".

Requirement for approval of relevant personnel

4. In regulation 9 (requirement for approval of relevant personnel), for "approved by the ONR as being" substitute "assessed, in accordance with a process that has been approved by the ONR, to be".

Transport security statements

5. In regulation 16 (transport security statements), in paragraph (3)(c), after "(f)" insert ", (g), (h)".

Duties of approved carriers: general

6. In regulation 17 (duties of approved carriers: general), in paragraph (3), for "approved by the ONR as being" substitute "assessed, in accordance with a process that has been approved by the ONR, to be".

Regulation of sensitive nuclear information, uranium enrichment equipment and software

7. In regulation 22 (regulation of sensitive nuclear information, uranium enrichment equipment and software)—

(a) in paragraph (5)(a)—

(i) at the end of paragraph (i) insert "or"; and

(ii) omit paragraph (ii);

(b) in paragraph (7)(d)—

(i) in paragraph (i), omit "by the ONR"; and

(ii) for "approved by the ONR as being" substitute "assessed, in accordance with a process that has been approved by the ONR, to be".

Offences

8. In regulation 25 (offences)—

(a) in paragraph (1), after "regulation" insert "4(1),"; and

(b) in paragraph (2)(b) omit "not exceeding the statutory maximum"; and

(c) after paragraph (2) insert—

"(2A) In Scotland and Northern Ireland, a fine imposed under paragraph (2)(b) may not exceed the statutory maximum.".