

Draft Regulations laid before Parliament under section 113(2)(a) and (3)(a) and (c) of the Energy Act 2013, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2016 No.

**ATOMIC ENERGY AND
RADIOACTIVE SUBSTANCES
NUCLEAR SECURITY**

The Nuclear Industries Security (Amendment) Regulations 2016

Made - - - - *******

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 70(3), 74(1)(b), (3)(a) and (c), (4)(a), (5) and (11), 75(1)(b), (2) and (6), and 113(6) of, and paragraphs 1, 7 to 9, 11, 13, 14 and 16 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)(a) and (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 2016 and come into force at the end of the period of one month beginning with the day on which they are made.

(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 sections 74(5) and 75(2) of, and paragraphs 8, 9, 13 and 16 of Schedule 6 to that Act, means specified in nuclear regulations. In accordance with section 70(3) of that Act, 'nuclear material' for the purposes of nuclear security includes fissile material prescribed in regulations made by the Secretary of State.

Amendment to the Nuclear Industries Security Regulations 2003

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

(2) In regulation 2(1) (interpretation: general), in the definition of “transport” omit subparagraph (i).

(3) In regulation 3(5)(b) (meaning of “nuclear material”, “category I/II nuclear material” and “category III nuclear material”, for—

(a) “or ship” substitute “, ship or air”; and

(b) “or on the ship” substitute “, on the ship or in the aircraft”.

Date

Minister of State
Department of Energy and Climate Change

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Nuclear Industries Security Regulations 2003 ([S.I. 2003/403](#)) (“the 2003 Regulations”), which provide for the regulation of the civil nuclear industry for security purposes. Part 3 of the 2003 Regulations makes provision about the security of nuclear material which is being transported.

Regulation 2(2) of these Regulations amends regulation 2 of the 2003 Regulations to extend the regulatory regime for the secure transport of nuclear material in the 2003 Regulations to include the transport of such material by air. Regulation 2(3) of these Regulations makes amendments regulation 3 of the 2003 Regulations that are consequential to the amendment to regulation 2.

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