



# Nuclear Installations Act 1965

## 1965 CHAPTER 57

### NUCLEAR SITE LICENCES

#### 3 Grant and variation of nuclear site licences.

(1) A nuclear site licence shall not be granted to any person other than a body corporate and shall not be transferable.

[<sup>F1</sup>( 1A ) The Health and Safety Executive shall consult the appropriate Agency before granting a nuclear site licence in respect of a site in Great Britain.]

(2) Two or more installations in the vicinity of one another may, if the Minister thinks fit, be treated for the purposes of the grant of a nuclear site licence as being on the same site.

(3) Subject to subsection (4) of this section, where it appears to the Minister appropriate so to do in the case of any application for a nuclear site licence in respect of any site, he may direct the applicant to serve on such bodies of any of the following descriptions as may be specified in the direction, that is to say—

(a) any local authority;

[<sup>F2</sup>(b) <sup>F3</sup> . . . any water undertaker <sup>F4</sup>...; ]

(c) any river purification board within the meaning of the <sup>M1</sup>Rivers (Prevention of Pollution) (Scotland) Act 1951, any district board constituted under the Salmon Fisheries (Scotland) Acts 1828, to 1868, the board of commissioners appointed under the <sup>M2</sup>Tweed Fisheries Act 1857, and [<sup>F5</sup>Scottish Water]; and

(d) any other body which is a public [<sup>F6</sup>or local] authority;

notice that the application has been made, giving such particulars as may be so specified with respect to the use proposed to be made of the site under the licence, and stating that representations with respect thereto may be made to the Minister by the body upon whom the notice is served at any time within three months of the date of service; and where such a direction has been given, the Minister shall not grant the licence unless he is satisfied that three months have elapsed since the service of the last of the notices required thereby nor until after he has considered any representations made in accordance with any of those notices.

*Status: Point in time view as at 06/04/2010.*

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- [<sup>F7</sup>(4) Subsection (3) of this section shall not apply in relation to an application in respect of a site for a generating station where a consent under section 36 of the Electricity Act 1989 or [<sup>F8</sup>Article 39 of the Electricity (Northern Ireland) Order 1992] is required for the operation of the station.]
- (5) A nuclear site licence may include provision with respect to the time from which section 19(1) of this Act is to apply in relation to the licensed site, and where such provision is so included the said section 19(1) shall not apply until that time or the first occasion after the grant of the licence on which any person uses the site for the operation of a nuclear installation, whichever is the earlier [<sup>F9</sup>provided that no such provision shall be so included without the consent of the Secretary of State].
- (6) The Minister may from time to time vary any nuclear site licence by excluding therefrom any part of the licensed site—
- (a) which the licensee no longer needs for any use requiring such a licence; and
  - (b) with respect to which the Minister is satisfied that there is no danger from ionising radiations from anything on that part of the site.
- [<sup>F10</sup>(6A) The Health and Safety Executive shall consult the appropriate Agency before varying a nuclear site licence in respect of a site in [<sup>F11</sup>Great Britain][<sup>F11</sup>England or Wales], if the variation relates to or affects the creation, accumulation or disposal of radioactive waste, within the meaning of [<sup>F12</sup>the Radioactive Substances Act 1993][<sup>F12</sup>the Environmental Permitting (England and Wales) Regulations 2010]. ]

#### Textual Amendments

- F1** S. 3(1A) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 7(1)**, (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**
- F2** S. 3(3)(b) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2) (4), 189(4)–(10), 190, 193(1), Sch. 25 para. 33, Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F3** Words in s. 3(3)(b) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para.7(2), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F4** Words in s. 3(3)(b) repealed (1.4.2010 for W. and 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, art. 3(b) (with arts. 812); S.I. 2011/556, art. 2(2) (o)
- F5** Words in s. 3(3)(c) substituted (14.7.2004) by Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 5**
- F6** Words repealed (S) by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**
- F7** S. 3(4) substituted by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(1)(3), Sch. 16 para. 11, **Sch. 17 para. 33**
- F8** Words in s. 3(4) substituted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 6**; S.R. 1992/117, **art. 3(1)**.
- F9** Words added (E.W.)(S.) by S.I. 1974/2056
- F10** S. 3(6A) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 7(3)**, (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**
- F11** Words in s. 3(6A) substituted (E.W.) (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 2(2)(a)** (with reg. 1(2), Sch. 4)
- F12** Words in s. 3(6A) substituted (E.W.) (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 2(2)(b)** (with reg. 1(2), Sch. 4)

#### Modifications etc. (not altering text)

- C1** S. 3 modified (N.I.) by S.I. 1978/1039 (N.I. 9), arts. 2(2), 3, **Sch. 1**

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- C2** S. 3 saved by virtue of Health and Safety at Work Act 1974 (c. 37, SIF 43:3) , s. 53 , **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv) , **Sch. Pt. VII** , s. 62
- C3** S. 3 modified (7.3.1994) by S.R. 1994/1 , **reg. 3**
- C4** S. 3(1A) extended (Northern Ireland) (5.10.2004) by Energy Act 2004 (c. 20) , **ss. 78(1)** , 198(2) ; S.I. 2004/2575 , art. 2(1) , **Sch. 1**
- C5** S. 3(2)(3)(6) amended (E.W.)(S.) with the substitution for references to the Minister of references to the Health and Safety Executive by S.I. 1974/2056
- C6** S. 3(6A) extended (Northern Ireland) (5.10.2004) by Energy Act 2004 (c. 20) , **ss. 78(1)** , 198(2) ; S.I. 2004/2575 , art. 2(1) , **Sch. 1**

#### Marginal Citations

- M1** 1951 c. 66 .
- M2** 1857 c. cxlviii.

## 4 Attachment of conditions to licences.

- (1) The Minister by instrument in writing shall on granting any nuclear site licence, and may from time to time thereafter, attach to the licence such conditions as may appear to the Minister to be necessary or desirable in the interests of safety, whether in normal circumstances or in the event of any accident or other emergency on the site, which conditions may in particular include provision—
- (a) for securing the maintenance of an efficient system for detecting and recording the presence and intensity of any ionising radiations from time to time emitted from anything on the site or from anything discharged on or from the site;
  - (b) with respect to the design, siting, construction, installation, operation, modification and maintenance of any plant or other installation on, or to be installed on, the site;
  - (c) with respect to preparations for dealing with, and measures to be taken on the happening of, any accident or other emergency on the site;
  - (d) without prejudice to <sup>[F13]</sup>sections 13 and 16 of the Radioactive Substances Act 1993<sup>[F13]</sup>the Environmental Permitting (England and Wales) Regulations 2010<sup>[F13]</sup>, with respect to the discharge of any substance on or from the site.
- (2) The Minister may at any time by instrument in writing attach to a nuclear site licence such conditions as the Minister may think fit with respect to the handling, treatment and disposal of nuclear matter.
- (3) The Minister may at any time by a further instrument in writing vary or revoke any condition for the time being attached to a nuclear site licence by virtue of this section.

<sup>[F14]</sup>( 3A ) The Health and Safety Executive shall consult the appropriate Agency—

- (a) before attaching any condition to a nuclear site licence in respect of a site in <sup>[F15]</sup>Great Britain<sup>[F15]</sup>England or Wales], or
- (b) before varying or revoking any condition attached to such a nuclear site licence,

if the condition relates to or affects the creation, accumulation or disposal of radioactive waste, within the meaning of <sup>[F16]</sup>the Radioactive Substances Act 1993<sup>[F16]</sup>Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010<sup>[F16]</sup>.]

- (4) While a nuclear site licence remains in force in respect of any site, the Minister shall consider any representations by any organisation representing persons having duties

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upon the site which may from time to time be made to him with a view to the exercise by him in relation to the site of any of his powers under the foregoing provisions of this section.

- (5) At all times while a nuclear site licence remains in force, the licensee shall cause copies of any conditions for the time being in force under this section to be kept posted upon the site, and in particular on any part thereof which an inspector may direct, in such characters and in such positions as to be conveniently read by persons having duties upon the site which are or may be affected by those conditions.
- (6) Any person who contravenes subsection (5) of this section, and, in the event of any contravention of any condition attached to a nuclear site licence by virtue of this section, the licensee and any person having duties upon the site in question by whom that contravention was committed, shall be guilty of an offence [<sup>F17</sup>and be liable—
- (a) on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both;
  - (b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding five years, or to both;]

and any person who without reasonable cause pulls down, injures or defaces any document posted in pursuance of the said subsection (5) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding [<sup>F18</sup>level 1 on the standard scale][<sup>F19</sup>level 2 on the standard scale]

#### Textual Amendments

- F13** Words in s. 4(1)(d) substituted (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010](#) (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 2(3)(a)** (with reg. 1(2), Sch. 4)
- F14** S. 4(3A) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22**, para. 8, (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**
- F15** Words in s. 4(3A) substituted (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010](#) (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 2(3)(b)(i)** (with reg. 1(2), Sch. 4)
- F16** Words in s. 4(3A) substituted (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010](#) (S.I. 2010/675), reg. 1(1)(b), **Sch. 26 para. 2(3)(b)(ii)** (with reg. 1(2), Sch. 4)
- F17** Words repealed (E.W.)(S.) by S.I. 1974/2056
- F18** Words substituted by virtue of S.I. 1984/703 (N.I. 3), **arts. 5, 6**
- F19** Words substituted (E.W.S.) by virtue of (E. W.) [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975](#) (c. 21, SIF 39:1), **ss. 289F, 289G**

#### Modifications etc. (not altering text)

- C7** S. 4 modified (N.I.) by S.I. 1978/1039 (N.I. 9), **arts. 2(2), 3, Sch. 1**
- C8** S. 4 amended by S.I. 1988/1222, **regs. 3, 4**; 1990/1380, arts. 3, 4
- C9** S. 4 amended (E.W.)(S.) with the substitution for references to the Minister of references to the Health and Safety Executive by S.I. 1974/2056
- S. 4 saved by virtue of Health and Safety at Work Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and [Tay Road Bridge Order Confirmation Act 1991](#) (c. iv), **Sch. Pt. VII**, s. 62
- C10** S. 4 modified (7.3.1994) by S.R. 1994/1, **reg. 3**
- C11** S. 4(3A) extended (Northern Ireland) (5.10.2004) by [Energy Act 2004](#) (c. 20), **ss. 78(1), 198(2)**; S.I. 2004/2575, **art. 2(1), Sch. 1**

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## 5 Revocation and surrender of licences.

(1) A nuclear site licence may at any time be revoked by the Minister or surrendered by the licensee.

[<sup>F20</sup>(1A) The Health and Safety Executive shall consult the appropriate Agency before revoking a nuclear site licence in respect of a site in Great Britain.]

(2) Where a nuclear site licence has been revoked or surrendered, the licensee shall, if so required by the Minister, deliver up or account for the licence to such person as the Minister may direct, and shall during the remainder of the period of his responsibility cause to be kept posted upon the site such notices indicating the limits thereof in such positions as may be directed by an inspector; and the Minister may on the revocation or surrender and from time to time thereafter until the expiration of the said period give to the licensee such other directions as the Minister may think fit for preventing or giving warning of any risk of injury to any person or damage to any property by ionising radiations from anything remaining on the site.

(3) In this Act, the expression “period of responsibility” in relation to the licensee under a nuclear site licence means, as respects the site in question or any part thereof, the period beginning with the grant of the licence and ending with which ever of the following dates is the earlier, that is to say—

- (a) the date when the Minister gives notice in writing to the licensee that in the opinion of the Minister there has ceased to be any danger from ionising radiations from anything on the site or, as the case may be, on that part thereof;
- (b) the date when a new nuclear site licence in respect of a site comprising the site in question or, as the case may be, that part thereof is granted either to the same licensee or to some other person,

except that it does not include any period during which section 19(1) of this Act does not apply in relation to the site.

(4) If the licensee contravenes any direction for the time being in force under subsection (2) of this section, he shall be guilty of an offence [<sup>F21</sup>and be liable—

- (a) on summary conviction—
  - (i) in the case of a first offence under this subsection, to a fine not exceeding fifty pounds;
  - (ii) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both;
- (b) on conviction on indictment, to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding one year, or to both;]

and any person who without reasonable cause pulls down, injures or defaces any notice posted in pursuance of the said subsection (2) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding [<sup>F22</sup>level 1 on the standard scale][<sup>F23</sup>level 2 on the standard scale]

[<sup>F24</sup>(5) For the purposes of subsection (4)(a) of this section, a conviction under section 2(4) of the Act of 1959 by reason of a contravention of a direction in force under section 2(2) of that Act shall be deemed to be a conviction of an offence under subsection (4) of this section.]

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### Textual Amendments

- F20** S. 5(1A) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 9** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F21** Words repealed (E.W.)(S.) by S.I. 1974/2056
- F22** Words substituted by virtue of S.I. 1984/703 (N.I. 3), **arts. 5, 6**
- F23** Words substituted by virtue of (E. W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**
- F24** S. 5(5) repealed (E.W.)(S.) by S.I. 1974/2056

### Modifications etc. (not altering text)

- C12** S. 5 modified (N.I.) by S.I. 1978/1039 (N.I. 9), arts. 2(2), 3, **Sch. 1**
- C13** S. 5 amended by S.I. 1988/1222, **regs. 3, 4**; 1990/1380, arts. 3, 4  
s. 5 saved by virtue of Health and Safety at Work Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. Pt. VII**, s. 62
- C14** S. 5 amended (E.W.)(S.) with the substitution for references to the Minister of references to the Health and Safety Executive by S.I. 1974/2056
- C15** S. 5 modified (7.3.1994) by S.R. 1994/1, **reg. 3**
- C16** S. 5(1A) extended (Northern Ireland) (5.10.2004) by Energy Act 2004 (c. 20), **ss. 78(1), 198(2)**; S.I. 2004/2575, **art. 2(1), Sch. 1**

## 6 Maintenance of list of licensed sites.

- (1) Subject to subsection (2) of this section, the Minister shall maintain a list showing every site in respect of which a nuclear site licence has been granted [<sup>F25</sup>by him] and including a map or maps showing the position and limits of each such site, and make arrangements for the list or a copy thereof to be available for inspection by the public; and he shall cause notice of those arrangements to be made public in such manner as may appear to him appropriate.
- (2) The said list shall not be required to show any site or part of a site in the case of which—
- no nuclear site licence is for the time being in force; and
  - thirty years have elapsed since the expiration of the last licensee's period of responsibility.

### Textual Amendments

- F25** Words repealed (E.W.)(S.) by S.I. 1974/2056

### Modifications etc. (not altering text)

- C17** S. 6 modified (N.I.) by S.I. 1978/1039 (N.I. 9), arts. 2(2), 3, **Sch. 1**
- C18** S. 6 amended by S.I. 1988/1222, **regs. 3, 4**; 1990/1380, arts. 3, 4  
S. 6 saved by virtue of Health and Safety at Work Act 1974 (c. 37, SIF 43:3), s. 53, **Sch. 1** and Tay Road Bridge Order Confirmation Act 1991 (c. iv), **Sch. Pt. VII**, s.62
- C19** S. 6 modified (7.3.1994) by S.R. 1994/1, **reg. 3**
- C20** S. 6: transfer of certain functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch 1** (with art. 7); S.I. 1998/3178, **art. 3**

**Status:**

Point in time view as at 06/04/2010.

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