



Nuclear Installations Act 1965

1965 CHAPTER 57

NUCLEAR SITE LICENCES

[^{F13} Grant and variation of nuclear site licences

- (1) A nuclear site licence—
 - (a) may be granted only to a body corporate;
 - (b) is not transferable.
- (2) The appropriate national authority must consult the appropriate environment authority before granting a nuclear site licence.
- (3) Two or more installations in the vicinity of one another may, if the appropriate national authority consider appropriate, be treated for the purposes of the grant of a nuclear site licence as being on the same site.
- (4) Subject to subsection (8), where an application is made for a nuclear site licence, the appropriate national authority may direct the applicant to serve a notice on any public authority specified in the direction.
- (5) For this purpose “ public authority ” includes—
 - (a) in relation to a site in England or Wales, a water undertaker;
 - (b) in relation to a site in Scotland, Scottish Water;
 - (c) in relation to a site in Northern Ireland, a water undertaker (within the meaning of the Water and Sewerage Services) (Northern Ireland) Order 2006 (S.I. 2006/3336 (. 21)).
- (6) Such a notice must—
 - (a) state that the application has been made,
 - (b) give such particulars about the proposed use of the site under the licence as may be specified in the direction, and
 - (c) state that the body on whom it is served may make representations about the application to the appropriate national authority within three months of the date of service.

Status: Point in time view as at 01/09/2018.

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- (7) Where a direction has been given under subsection (4), the appropriate national authority may not grant the licence unless it is satisfied that—
- (a) three months have passed since the service of the last of the notices required by the direction, and
 - (b) the authority has considered any representations made in accordance with any of those notices.
- (8) Subsection (4) does not apply in relation to an application in respect of a site for a generating station where—
- (a) a consent under section 36 of the Electricity Act 1989 is required for the operation of the station (or would be required but for an order under the Planning Act 2008 granting development consent for the site), or
 - (b) a consent under Article 39 of the Electricity (Northern Ireland) Order 1992 is required for the operation of the station.
- (9) A nuclear site licence may include provision about when section 19(1) is to start to apply in relation to the licensed site.
- (10) But, if the licence relates to a site in England, Wales or Scotland, such a provision may be included only with the consent of the Secretary of State.
- (11) Where a nuclear site licence includes such a provision, section 19(1) does not apply in relation to the site until—
- (a) the time determined in accordance with the provision, or
 - (b) if earlier, the time when the site is first used for the operation of a nuclear installation after the grant of the licence.
- (12) The appropriate national authority may from time to time vary a nuclear site licence by excluding from it 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 appropriate national authority is satisfied that there is no danger from ionising radiations from anything on that part of the site.
- (13) The appropriate national authority must consult the appropriate environment authority before varying a nuclear site licence if the variation relates to or affects the creation, accumulation or disposal of radioactive waste.
- (14) In subsection (13), “radioactive waste”—
- (a) in relation to a site in England or Wales, has the same meaning as in [^{F2}the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)] ;
 - (b) in relation to a site in ^{F3}...Northern Ireland, has the same meaning as in the Radioactive Substances Act 1993.]
 - [^{F4}(c) in relation to a site in Scotland, has the same meaning as in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018.]

Textual Amendments

- F1** S. 3 substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 18](#); S.I. 2014/251, art. 4

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- F2** Words in s. 3(14)(a) substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), [Sch. 29 para. 2\(2\)](#) (with regs. 1(3), 77-79, Sch. 4)
- F3** Words in s. 3(14)(b) omitted (S.) (1.9.2018) by virtue of [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, [sch. 6 para. 1\(2\)\(a\)](#) (with reg. 78, sch. 5 para. 2)
- F4** S. 3(14)(c) inserted (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, [sch. 6 para. 1\(2\)\(b\)](#) (with reg. 78, sch. 5 para. 2)

[^{F5}4 Attachment of conditions to licences

- (1) The appropriate national authority—
 - (a) must, when it grants a nuclear site licence, attach to it such conditions as the authority considers necessary or desirable in the interests of safety, and
 - (b) may attach such conditions to it at any other time.
- (2) For the purposes of subsection (1), “ safety ” in relation to a nuclear site includes—
 - (a) safety in normal circumstances, and
 - (b) safety in the event of any accident or other emergency on the site.
- (3) Conditions that may be attached to a licence by virtue of subsection (1) may in particular include provision—
 - (a) for securing that an efficient system is maintained 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 sections 13 and 16 of the Radioactive Substances Act 1993 or to [^{F6}the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)], [^{F7}or to the Environmental Authorisations (Scotland) Regulations 2018] with respect to the discharge of any substance on or from the site.
- (4) The appropriate national authority may at any time attach to a nuclear site licence such conditions as the appropriate national authority may consider appropriate with respect to the handling, treatment and disposal of nuclear matter.
- (5) The appropriate national authority may at any time vary or revoke any condition for the time being attached to a nuclear site licence by virtue of this section.
- (6) The appropriate national authority must consult the appropriate environment authority before—
 - (a) attaching any condition to a nuclear site licence, or
 - (b) varying or revoking any condition attached to a nuclear site licence,if the condition relates to or affects the creation, accumulation or disposal of radioactive waste.
- (7) In subsection (6) “radioactive waste”—
 - (a) in relation to a site in England or Wales, has the same meaning as in [^{F8}the Environmental Permitting (England and Wales) Regulations 2016];

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- (b) in relation to a site in ^{F9}... Northern Ireland, has the same meaning as in the Radioactive Substances Act 1993;
 - [^{F10}(c) in relation to a site in Scotland, has the same meaning as in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018.]
- (8) Any power under this section to attach, vary or revoke a condition is exercisable in writing.
- (9) The appropriate national authority must consider any representation which is—
- (a) made to it by an organisation representing persons who have duties on a site in respect of which a nuclear site licence is in force, and
 - (b) relates to the exercise by the authority of any of its powers under this section in relation to the site.
- (10) Where a condition attached to a nuclear site licence by virtue of this section is contravened, each of the following is guilty of an offence—
- (a) the licensee, and
 - (b) any person having duties upon the site in question who committed the contravention.
- (11) A person convicted of an offence under subsection (10) in England and Wales or Scotland is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months, or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland), or both.
- (12) A person convicted of an offence under subsection (10) in Northern Ireland is liable—
- (a) on conviction on indictment to imprisonment for a term not exceeding 5 years, or a fine, or both;
 - (b) on summary conviction to imprisonment for a term not exceeding 3 months, or a fine not exceeding the prescribed sum, or both.
- (13) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to imprison) the reference to 12 months in subsection (11)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.]

Textual Amendments

- F5** S. 4 substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 19](#); S.I. 2014/251, art. 4
- F6** Words in s. 4(3)(d) substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\), reg. 1\(1\), Sch. 29 para. 2\(3\)\(a\)](#) (with regs. 1(3), 77-79, Sch. 4)
- F7** Words in s. 4(3)(d) inserted (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\), reg. 1, sch. 6 para. 1\(3\)](#) (with reg. 78, sch. 5 para. 2)
- F8** Words in s. 4(7)(a) substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\), reg. 1\(1\), Sch. 29 para. 2\(3\)\(b\)](#) (with regs. 1(3), 77-79, Sch. 4)

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- F9** Words in s. 4(7)(b) omitted (S.) (1.9.2018) by virtue of [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, [sch. 6 para. 1\(4\)\(a\)](#) (with reg. 78, sch. 5 para. 2)
- F10** S. 4(7)(c) inserted (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, [sch. 6 para. 1\(4\)\(b\)](#) (with reg. 78, sch. 5 para. 2)

[^{F11}5] **Revocation and surrender of licences**

- (1) A nuclear site licence may at any time be—
 - (a) revoked by the appropriate national authority, or
 - (b) surrendered by the licensee.
- (2) The appropriate national authority must consult the appropriate environment authority before revoking a nuclear site licence.
- (3) Subsections (4) to (6) apply where a nuclear site licence has been revoked or surrendered.
- (4) If the appropriate national authority requires it to do so, the licensee must deliver up or account for the licence to such person as the appropriate national authority may direct.
- (5) During the remainder of the period of the licensee's responsibility the appropriate national authority may give the licensee such directions as the authority may consider appropriate for preventing, or giving warning of, any risk of—
 - (a) injury to any person, or
 - (b) damage to any property,by ionising radiations from anything remaining on the site.
- (6) A nuclear safety inspector may direct the licensee to ensure that, during the remainder of the period of responsibility, notices indicating the limits of the site are kept posted on the site in the positions specified in the direction.
- (7) For this purpose, “ nuclear safety inspector ” means an inspector appointed—
 - (a) by the ONR under Schedule 8 to the Energy Act 2013, in the case of a site in England, Wales or Scotland, or
 - (b) under section 24, in the case of a site in Northern Ireland.
- (8) A licensee who contravenes any direction for the time being in force under subsection (5) or (6) is guilty of an offence.
- (9) A person who without reasonable cause pulls down, injures or defaces any notice posted under subsection (6) is guilty of an offence.
- (10) A person convicted of an offence under subsection (8) in England and Wales or Scotland is liable—
 - (a) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction to imprisonment for a term not exceeding 12 months, or a fine (in England and Wales) or a fine not exceeding £20,000 (in Scotland), or both.
- (11) A person convicted of an offence under subsection (8) in Northern Ireland is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months, or a fine, or both;

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- (b) on summary conviction, to imprisonment for a term not exceeding 3 months, or a fine not exceeding the prescribed sum, or both.
- (12) A person convicted of an offence under subsection (9) is liable on summary conviction—
- (a) in England and Wales or Scotland, to a fine not exceeding level 2 on the standard scale;
 - (b) in Northern Ireland, to a fine not exceeding level 1 on the standard scale.
- (13) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to imprison), the reference to 12 months in subsection (10)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.
- (14) In this Act, “ period of responsibility ” in relation to the licensee under a nuclear site licence means, as respects the site in question or any part of it, the period—
- (a) beginning with the grant of the licence, and
 - (b) ending with whichever of the dates in subsection (15) is the earliest,
- except that it does not include any period during which section 19(1) does not apply in relation to the site.
- (15) Those dates are—
- (a) the date when the appropriate national authority gives notice in writing to the licensee that in the authority's opinion there has ceased to be any danger from ionising radiations from anything on the site or, as the case may be, on the part of it in question;
 - (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 of it, is granted (whether to the same licensee or to some other person);
 - (c) the date when the following conditions have both become satisfied—
 - (i) the site in question or, as the case may be, that part of it is used or occupied by or on behalf of the Crown, and
 - (ii) a nuclear site licence has ceased to be required in respect of that site or part.]

Textual Amendments

F11 S. 5 substituted (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 20](#); [S.I. 2014/251](#), art. 4

[^{F12}6 Maintenance of list of licensed sites [^{F13} and relevant disposal sites]

- (1) The appropriate authority must maintain a list [^{F14}showing—
- (a) every site in respect of which a nuclear site licence has been granted, and
 - (b) every site which is or was a relevant disposal site.]
- (2) The list—
- (a) need not show any site or part of a site [^{F15}falling within subsection (1)(a)] in the case of which—
 - (i) no nuclear site licence is for the time being in force; and

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- (ii) 30 years have passed since the end of the last licensee's period of responsibility;
 - [^{F16}(aa) need not show any site or part of a site falling within subsection (1)(b) in the case of which—
 - (i) no appropriate permit is for the time being in force; and
 - (ii) 30 years have passed since the date on which the appropriate environment authority gave notice to an operator of the site that in the opinion of that authority there has ceased to be any danger from ionising radiations from anything on the site or, as the case may be, part of it;]
 - (b) must include a map or maps showing the position and limits of each site shown in the list.
- (3) The authority must arrange for the list, or a copy of it, to be available for inspection by the public.
- (4) In this section “ appropriate authority ” means—
- (a) in relation to England and Wales and Northern Ireland, the Secretary of State;
 - (b) in relation to Scotland, the Scottish Ministers.]

Textual Amendments

- F12** S. 6 substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\)](#), [Sch. 12 para. 21](#); S.I. 2014/251, art. 4
- F13** Words in s. 6 heading inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), [4\(1\)\(d\)](#) (with art. 40)
- F14** Words in s. 6(1) substituted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), [4\(1\)\(a\)](#) (with art. 40)
- F15** Words in s. 6(2)(a) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), [4\(1\)\(b\)](#) (with art. 40)
- F16** S. 6(2)(aa) inserted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by [The Nuclear Installations \(Liability for Damage\) Order 2016 \(S.I. 2016/562\)](#), arts. 1(2), [4\(1\)\(c\)](#) (with art. 40)

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