



Nuclear Safeguards and Electricity (Finance) Act 1978

1978 CHAPTER 25

Safeguards on nuclear material

2 Rights of Agency inspectors.

- (1) Subject to subsection (2) below, for the purpose of—
- (a) making any inspection permitted by [^{F1}articles 69 to 82]; or
 - (b) verifying design information, as mentioned in [^{F2}article 48],
- any person designated as an inspector of the International Atomic Energy Agency under [^{F3}article 83 of the Safeguards Agreement][^{F4}or Article 11 of the Additional Protocol (within the meaning of the Nuclear Safeguards Act 2000)] may enter any facility or part thereof and there make any inspection or do any other thing which may reasonably be required for that purpose.
- (2) The powers conferred by subsection (1) above shall be exercisable only in the cases specified in, and subject to the provisions of, the Safeguards Agreement and, in particular,—
- (a) shall be exercisable only in accordance with [^{F5}articles 4, 9(c) and 85]; ^{F6} ... and
 - (b) [^{F7}where article 81 applies], shall not be exercisable unless any advance notice required by that article has been given.
- (3) In the following provisions (which restrict the rights of entry to certain prohibited places which belong to or are used for the purposes of the United Kingdom Atomic Energy Authority or which are sites of nuclear installations) namely—
- (a) subsection (3) of section 6 of the ^{M1}Atomic Energy Authority Act 1954; and
 - (b) sub-paragraph (2) of paragraph 3 of Schedule 1 to the ^{M2}Nuclear Installations Act 1965 (as inserted into that Act by the ^{M3}Atomic Energy Authority Act 1971),

at the end of paragraph (b) there shall be added the words “or

- (bb) a person designated as an inspector of the International Atomic Energy Agency under article 85 of the Agreement made on the

Status: Point in time view as at 31/12/2020.

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6th September 1976 for the application of Safeguards in the United Kingdom in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (Cmnd. 6730)”.

- (4) Any person who—
- (a) intentionally obstructs any person exercising a power conferred by subsection (1) above; or
 - (b) without reasonable excuse refuses or fails to provide any information or to permit any inspection reasonably required by any such person; or
 - (c) without reasonable excuse refuses or fails to carry out in a facility any operation which he is requested to carry out by a person designated as mentioned in subsection (1) above,

[^{F8}shall be guilty of an offence..

- (4A) A person guilty of an offence under subsection (4) above shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to a fine.]
- (5) If any person in giving any information reasonably required by any person exercising a power conferred by subsection (1) above makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular he shall be liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.

[^{F9}(6)

(7) In this section “facility” has the meaning assigned to it by [^{F10}article 90]I.

[^{F11}(8) If in any proceedings any question arises whether a person at any time when purporting to exercise powers under this section was or was not a person designated as mentioned in subsection (1) above, a certificate issued by or under the authority of the [^{F12}Office for Nuclear Regulation] stating any fact relevant to that question shall be conclusive evidence of that fact.]

Textual Amendments

- F1** Words in s. 2(1)(a) substituted (31.12.2020) by [The Nuclear Safeguards \(EU Exit\) Regulations 2019](#) (S.I. 2019/196), reg. 1(2), [Sch. 3 para. 3\(a\)](#) (with Sch. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 2(1)(b) substituted (31.12.2020) by [The Nuclear Safeguards \(EU Exit\) Regulations 2019](#) (S.I. 2019/196), reg. 1(2), [Sch. 3 para. 3\(b\)](#) (with Sch. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 2(1) substituted (31.12.2020) by [The Nuclear Safeguards \(EU Exit\) Regulations 2019](#) (S.I. 2019/196), reg. 1(2), [Sch. 3 para. 3\(c\)](#) (with Sch. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 2(1) inserted (1.5.2004) by [Nuclear Safeguards Act 2000](#) (c. 5), [ss. 11\(3\)\(a\)](#), 12(2) (with s. 12(3)); S.I. 2004/1242, arts. 2, 3
- F5** Words in s. 2(2)(a) substituted (31.12.2020) by [The Nuclear Safeguards \(EU Exit\) Regulations 2019](#) (S.I. 2019/196), reg. 1(2), [Sch. 3 para. 4\(a\)\(i\)](#) (with Sch. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 2(2)(a) omitted (31.12.2020) by virtue of [The Nuclear Safeguards \(EU Exit\) Regulations 2019](#) (S.I. 2019/196), reg. 1(2), [Sch. 3 para. 4\(a\)\(ii\)](#) (with Sch. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 2(2)(b) substituted (31.12.2020) by [The Nuclear Safeguards \(EU Exit\) Regulations 2019](#) (S.I. 2019/196), reg. 1(2), [Sch. 3 para. 4\(b\)](#) (with Sch. 4); 2020 c. 1, Sch. 5 para. 1(1)

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- F8** S. 2(4A) and words substituted for words in s. 2(4) (1.5.2004) by Nuclear Safeguards Act 2000 (c. 5), **ss. 11(3)(b), 12(2)** (with s. 12(3)); S.I. 2004/1242, arts. 2, 3
- F9** S. 2(6) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIV** Group 2.
- F10** Words in s. 2(7) substituted (31.12.2020) by The Nuclear Safeguards (EU Exit) Regulations 2019 (S.I. 2019/196), reg. 1(2), **Sch. 3 para. 5** (with Sch. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F11** S. 2(8) inserted (1.5.2004) by Nuclear Safeguards Act 2000 (c. 5), **ss. 11(3)(c), 12(2)** (with s. 12(3)); S.I. 2004/1242, arts. 2, 3
- F12** Words in s. 2(8) substituted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 40**; S.I. 2014/251, art. 4

Modifications etc. (not altering text)

- C1** The text of s. 2(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1954 c. 32
- M2** 1965 c. 57.
- M3** 1971 c. 11.

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