

NUCLEAR SAFEGUARDS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4: Powers of entry in relation to Additional Protocol information

21. This section empowers an officer authorised by the Secretary of State to apply for a warrant to enter any premises in the UK in order to search for information needed by the Secretary of State in order to comply with the Additional Protocol.
22. *Subsection (1)* covers the case where a person served with a notice under section 2 has refused to give all the information specified in the notice, or has failed to do so when the notice required. *Subsection (2)* covers the case where it appears that any document or other thing containing information needed by the Secretary of State, or from which such information can be obtained, is likely to be altered, destroyed or disposed of without the information being given to the Secretary of State. In both cases the powers only apply if the Secretary of State has not obtained the information by other means.
23. It is thought unlikely in practice that these powers will have to be used, as it is expected that all information required for the purposes of the Additional Protocol will be given voluntarily. However, the powers are needed so as to ensure that the Secretary of State can fulfil the UK's obligations under the Additional Protocol even if information were withheld despite a notice being served, or if a risk arose of something containing Additional Protocol information being tampered with so that the information could not be given to the Secretary of State.
24. The powers apply to any premises (which in an extreme case could include domestic premises) where there are reasonable grounds for believing that a document or other thing containing the information in question, or from which that information can be obtained, is to be found. The powers can only be exercised at a reasonable time, and only if a police constable is present if that is what the warrant says.
25. *Subsection (5)* defines specific acts which an authorised officer can do in the course of exercising a power of entry. *Subsection (6)* enables a police constable, who enters premises under the powers in this section, to assist the authorised officer, including searching anyone on the premises who the constable has reasonable cause to believe may be in possession of any document or other thing containing Additional Protocol information or from which such information may be obtained.
26. Under *subsection (9)* it will be a criminal offence wilfully to obstruct an authorised officer exercising any of these powers or not to comply with a reasonable request made by an authorised officer or a police constable (unless there is a reasonable excuse for not doing so).