

SCHEDULES

SCHEDULE 12

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 3

PART 2

NUCLEAR SAFETY

Nuclear Installations Act 1965 (c. 57)

17 For section 1 substitute—

“1 Restriction of certain nuclear installations to licensed sites

- (1) No person may use a site for the purpose of installing or operating—
 - (a) any nuclear reactor (other than a nuclear reactor comprised in a means of transport, whether by land, water or air), or
 - (b) any other installation of a prescribed kind,unless a licence to do so has been granted in respect of the site by the appropriate national authority and is in force.
- (2) Such a licence is referred to in this Act as a “nuclear site licence”.
- (3) The only kinds of installation that may be prescribed under subsection (1) (b) are installations (other than nuclear reactors) designed or adapted for—
 - (a) producing or using atomic energy,
 - (b) any process which—
 - (i) is preparatory or ancillary to producing or using atomic energy, and
 - (ii) involves, or is capable of causing, the emission of ionising radiations, or
 - (c) storing, processing or disposing of—
 - (i) nuclear fuel, or
 - (ii) bulk quantities of other radioactive matter which has been produced or irradiated in the course of the production or use of nuclear fuel.
- (4) Regulations under subsection (1)(b) may make provision for exempting an installation from subsection (1).
- (5) Regulations made by virtue of subsection (4)—
 - (a) may provide for any exemption to be conditional;
 - (b) may not result in an installation being exempt from subsection (1) unless the Secretary of State is satisfied that it is not a relevant

Status: This is the original version (as it was originally enacted).

- installation (or, in the case of a conditional exemption, would not be a relevant installation if the prescribed conditions were satisfied).
- (6) Before exercising any function under subsection (1)(b), (4) or (5) in or as regards Scotland, the Secretary of State must consult the Scottish Ministers.
- (7) Any person who contravenes subsection (1) is guilty of an offence.
- (8) A person convicted of an offence under subsection (7) 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.
- (9) A person convicted of an offence under subsection (7) 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.
- (10) 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 (8)(b), as it has effect in England and Wales, is to be read as a reference to 6 months.
- (11) Subsection (1) is subject to section 47 of the Energy Act 2008 (prohibition in England and Wales and Northern Ireland on use of site in absence of approved funded decommissioning programme)."