
STATUTORY INSTRUMENTS

1996 No. 665

HEALTH AND SAFETY

The Nuclear Generating Stations (Security) Regulations 1996

Made - - - - *7th March 1996*
Laid before Parliament *8th March 1996*
Coming into force - - *1st April 1996*

The Secretary of State, in exercise of the powers conferred by sections 15(1), (2), (3)(c), (4)(a), (5) (a) and (b), 50(1) and 82(3)(a) of, and paragraphs 1(1)(a) and (b) and (2), 3(1) and (2), 4(1), 15(1), 16 and 21(a) of Schedule 3 to, the Health and Safety at Work etc. Act 1974 (“the 1974 Act”)(1), and of all other powers enabling him in that behalf, and after consulting the Health and Safety Commission and such other bodies as appear to him to be appropriate in accordance with section 50(1) of the 1974 Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Nuclear Generating Stations (Security) Regulations 1996 and shall come into force on 1st April 1996.

Interpretation

2. In these Regulations—

- (a) “the 1965 Act” means the Nuclear Installations Act 1965(2);
- (b) “the 1974 Act” means the Health and Safety at Work etc. Act 1974;
- (c) an “ancillary purpose” means the examination of irradiated nuclear fuel by or on behalf of the operator of the generating station, for purposes connected with operating that generating station;
- (d) “approved security plan” means a security plan which has been submitted to and duly approved by the Secretary of State in respect of the Site in question, or (as the case may be) in respect of nuclear fuel in transit, as amended by any modifications that have been approved or required by the Secretary of State, and which has not ceased to be approved by virtue of a notice given by the Secretary of State revoking his approval;
- (e) “breach of security” means:

(1) 1974 c. 37; section 15(1) was amended by the Employment Protection Act 1975 (c. 71), section 116 and Schedule 15, paragraph 6.
(2) 1965 c. 57; section 1 was amended by S.I. 1974/2056 and S.I. 1990/1918; section 7 was amended by S.I. 1990/1918.

- (i) any unauthorised access onto the Site or interference with any plant, equipment or nuclear fuel thereon or with any nuclear fuel in transit;
- (ii) any contravention of these Regulations; or
- (iii) any interruption or suspension of the security regime to which the Site or any nuclear fuel in transit to or from the Site is subject;
- (f) “the commencement date” means 1st April 1996;
- (g) an “existing generating station” and an “existing laboratory” mean, respectively, a generating station and a laboratory which at the commencement date is or has been in operation;
- (h) “generating station” means a relevant nuclear installation designed or used, or which has at any time been used, for the purpose of generating electricity with a view to giving a supply to any premises or enabling a supply to be given;
- (i) “in transit” means in the course of or awaiting transportation by road, rail or sea to the Site from any other place in Great Britain, or vice versa;
- (j) an “inspector” means an inspector appointed under section 19 of the 1974 Act for the purpose of exercising the powers conferred on him in relation to these Regulations;
- (k) “laboratory” means a relevant nuclear installation which was constructed or has been adapted exclusively or primarily for use for an ancillary purpose, and which, if it has at any time been in use, has for the period of such use been used exclusively or primarily for an ancillary purpose;
- (l) a “new generating station” and a “new laboratory” mean, respectively, a generating station and a laboratory which at the commencement date has never been in operation;
- (m) “nuclear fuel” means fuel which is intended for use in a generating station, or irradiated fuel which has been used in a generating station;
- (n) “nuclear installation” means any installation the operation of which requires a licence under section 1 of the 1965 Act, and a nuclear installation is a “relevant nuclear installation” if nuclear fuel is kept or is proposed to be kept on or under the Site;
- (o) “operator”, in relation to a generating station or laboratory at any given time, means the licensee (within the meaning of section 26(1) of the 1965 Act) whose period of responsibility (within the meaning of section 5(3) of the 1965 Act) has not yet ended;
- (p) “relevant personnel” means any persons the nature of whose employment or engagement by the operator or any contractor or consultant of the operator is such as may reasonably be considered to be capable of giving rise to a risk to the security of the Site or of any plant, equipment or nuclear fuel thereon or any nuclear fuel in transit;
- (q) “security” means security insofar as it is a matter affecting health and safety, and insofar as it concerns controlling the keeping of nuclear fuel or preventing the unlawful acquisition, possession and use thereof;
- (r) “security plan”, with respect to the Site or (as the case may be) with respect to nuclear fuel in transit to or from the Site, means a description in writing of the security regime which relates thereto, whether by reference to a standard model security plan, together with a description of any adaptations thereof, or by a description of the security regime set out in full;
- (s) “security regime” means, collectively, the security standards, security procedures and security arrangements, adopted or to be adopted by the operator for the protection of the Site, or of any plant, equipment or nuclear fuel thereon, or any nuclear fuel in transit, including any such standards, procedures or arrangements relating to:

- (i) the safeguarding of information which relates to or may affect the security of the Site or any nuclear fuel thereon;
- (ii) the investigation and assessment of the suitability of relevant personnel, with a view to protecting the security of the Site or any nuclear fuel thereon or in transit; or
- (iii) the manner and means of transportation of nuclear fuel or the manner of unloading or storing nuclear fuel in transit;
- (t) “the Site”, in relation to a generating station or laboratory, means the land which is occupied by the operator for the purpose of operating the generating station or laboratory (as the case may be), and which comprises or forms part of a site in respect of which a licence under section 1 of the 1965 Act has been granted to the operator.

Submission of security plans for approval

3.—(1) The operator of a generating station or laboratory shall submit a security plan in respect of the Site for the approval of the Secretary of State, and shall make such amendments to that security plan as may be required by the Secretary of State in order to enable his approval to be given.

(2) The security plan referred to in paragraph (1) above shall be submitted:

- (a) in the case of an existing generating station or laboratory, before 1st October 1996; and
- (b) in the case of a new generating station or laboratory, before bringing any nuclear fuel onto the Site.

Maintenance of security

4.—(1) At all times while any nuclear fuel is on the Site of a generating station or laboratory, the operator of that generating station or laboratory shall ensure that the Site is subject to a security regime which conforms to an approved security plan.

(2) Paragraph (1) above shall not apply in relation to any existing generating station or laboratory at any time before the expiry of three months after the date on which the approval of the security plan is notified to the operator.

(3) The operator shall not be regarded as having failed to comply with paragraph (1) above by reason of anything which is not consistent with the security plan approved in respect of the Site, if the matter inconsistent therewith is—

- (a) the carrying out of any work referred to in paragraph (1) of regulation 7 below, in respect of which the conditions mentioned in paragraph (4) of that regulation are satisfied;
- (b) in a case where a direction referred to in regulation 5(2)(e) below has been given to the operator, the installation or modification of any plant or equipment, or any other new arrangement, which is not required by such direction to be reported; or
- (c) in any other case, any matter of a kind which the Secretary of State has notified the operator is in his opinion unlikely to be prejudicial to the security of the Site or any nuclear fuel thereon.

Security directions

5.—(1) The operator of a generating station or laboratory shall comply with such directions with respect to the security of the Site, or of nuclear fuel in transit to or from the Site, respectively, as may from time to time be given to him by or on behalf of the Secretary of State, having regard to any relevant report or recommendations made by an inspector.

(2) In paragraph (1) above, “directions” means any directions in writing, other than any directions given under any other enactment, requiring the operator:—

- (a) to adopt or implement, in respect of the whole or any specified part of the Site, or in respect of nuclear fuel in transit to or from the Site, a specified security regime, or certain specified standards, procedures or arrangements as part of such a security regime, whether or not specified in the security plan approved in accordance with regulation 4(1) above or 8(1) below; insofar as may be necessary in that connection to amend the security plan previously agreed; or to secure compliance therewith by the operator's officers, employees, consultants and contractors;
- (b) to provide the Secretary of State with a copy of the security plan describing the security regime to which the Site or any specified part of it, or any nuclear fuel in transit to or from the Site, is subject, or to which it will be subject in such events as the Secretary of State may specify; or to satisfy him as to the continuing or future adequacy of such security plan, or to satisfy him that the security regime, to which the Site or any nuclear fuel in transit is subject, conforms to such security plan, or, in the case of a security regime to be adopted at a future date or in certain events, that it will conform thereto;
- (c) to record, investigate or report to the Secretary of State, or such other person as he may specify, any breach of security or any such breach as the Secretary of State may specify;
- (d) to take such steps as may be necessary to correct any contravention of these Regulations; or
- (e) to report to the Secretary of State any proposals to install any new plant or equipment, to modify existing plant or equipment or to make any other new arrangements at the Site, which in the opinion of the Secretary of State may be prejudicial to the security of the Site or any part of it.

Security assessments

6.—(1) The operator of a generating station or laboratory shall, upon any request made by the Secretary of State from time to time, and in any event within two years of the relevant date and thereafter at intervals of two years or such other intervals as the Secretary of State may agree, cause an assessment of the security regime, to which the Site and any nuclear fuel in transit to or from the Site are subject, to be carried out by a person approved for this purpose by the Secretary of State, and submit the assessment to the Secretary of State, or such person as the Secretary of State may direct, for his consideration.

(2) In this regulation, "the relevant date" means the date on which regulation 4(1) above first applies in relation to the generating station or laboratory.

(3) Before bringing any nuclear fuel onto the Site of a new generating station or laboratory, the operator shall cause an assessment of the security regime to which the Site is subject, and to which it is proposed that the Site will be subject at the time that any nuclear fuel is first brought onto the Site, to be carried out by a person approved for this purpose by the Secretary of State, and submit the assessment to the Secretary of State, or such person as the Secretary of State may direct, for his consideration.

Structural alterations and extensions

7.—(1) Before carrying out any work of alteration or extension to any construction which is, or forms part of, an existing generating station or laboratory or a new generating station or laboratory, the operator shall satisfy the Secretary of State that the security regime, to which the Site will be subject during the period in which such work is to be carried out and thereafter, will conform to an approved security plan relating to the period in which the work is to be carried out and the period thereafter.

(2) Where any work of alteration or extension has been carried out to any construction which is, or forms part of, an existing generating station or laboratory or a new generating station or laboratory, regulation 6(3) above shall apply in relation to the generating station or laboratory as altered or

extended as it applies in relation to a new generating station or laboratory, and, where the operator has complied with regulation 6(3) before commencing the work, as if references to bringing any nuclear fuel onto the Site were to bringing it onto that part of the generating station or laboratory which has been newly altered or newly constructed.

(3) Paragraph (1) of this regulation does not apply in relation to a new generating station or laboratory at any time before the assessment required by regulation 6(3) above has been submitted to the Secretary of State in accordance with that regulation.

(4) Paragraphs (1) and (2) of this regulation do not apply if, before the work is commenced, the Secretary of State has notified the operator that any particular work or any work of a certain general description is in his opinion unlikely to be prejudicial to the security of the Site or any nuclear fuel thereon, and the work is of the description referred to in that notification.

Transport

8.—(1) The operator of a generating station or laboratory shall take all reasonable steps to secure that no nuclear fuel in transit to or from the Site of that generating station or laboratory shall be unloaded from any ship, train or vehicle, stored on any premises, or transported, except in accordance with an approved security plan which is designed to protect the nuclear fuel in transit.

(2) Paragraph (1) above shall not apply in relation to nuclear fuel in transit to or from the Site of any existing generating station or laboratory at any time before the expiry of three months after the date on which the approval of the security plan is notified to the operator.

(3) The operator shall not be regarded as having failed to comply with paragraph (1) above by reason of anything which is not consistent with the security plan approved in respect of nuclear fuel in transit to or from the Site, if the matter inconsistent therewith is of a kind which the Secretary of State has notified the operator is in his opinion unlikely to be prejudicial to the security of such nuclear fuel.

Enforcement

9. The authority responsible for the enforcement of these Regulations shall be the Secretary of State for Trade and Industry.

Department of Trade and Industry
7th March 1996

Tim Eggar
Minister for Industry and Energy,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose certain requirements with respect to the security of generating stations which are nuclear installations requiring a licence under section 1 of the Nuclear Installations Act 1965 (“the 1965 Act”), and of laboratories which are such nuclear installations, and which are used for the examination of irradiated nuclear fuel by, or on behalf of, the operator of such a generating station for purposes connected with operating it. The Regulations cease to apply to such generating stations and laboratories when there ceases to be either any nuclear fuel kept on the site or any proposal to keep nuclear fuel on the site. They cease to apply in relation to any particular operator of a generating station or laboratory when that operator’s “period of responsibility” under the 1965 Act comes to an end (i.e. when the operator ceases to be subject to a duty under section 7(1) of the 1965 Act in respect of the consequences of any possible occurrence on the site); but they do not cease to apply merely by virtue of the surrender or revocation of a nuclear site licence.

Regulation 3 requires the operator to submit a security plan in respect of the site for the approval of the Secretary of State, and to make such amendments to that security plan as may be required in order to enable such approval to be given. Regulation 4(1) requires the operator to ensure that, at all times while any nuclear fuel is on the site, the site is subject to a security regime which conforms to a security plan approved by the Secretary of State. For this purpose, a “security plan” means a description of the security standards, procedures and arrangements adopted by the operator for the protection of the site. (This requirement does not apply until three months after the date on which the security plan is approved.) The operator is also required (by regulation 8(1)) to take all reasonable steps to secure that no nuclear fuel is transported to or from the site except in accordance with an approved security plan. (Again, this requirement does not apply until three months after the date on which the security plan is approved.) Regulation 5 requires the operator to comply with such directions with respect to the security of the site, or of nuclear fuel in transit to or from the site, as may from time to time be given by the Secretary of State, requiring the operator, inter alia, to adopt certain security standards, procedures or arrangements specified in such directions.

Regulation 6 requires the operator to have security assessments carried out periodically by a person approved for this purpose by the Secretary of State, and to submit such assessments to the Secretary of State. Before bringing nuclear fuel onto the site of a new generating station or laboratory, the operator is required to have an assessment of the security regime that will be in place when nuclear fuel is first brought onto the site carried out by a person approved for this purpose by the Secretary of State. A similar requirement applies before carrying out any work of alteration or extension to any construction which is, or is part of, a generating station or laboratory (regulation 7(2)).

Regulation 7 also requires the operator, before carrying out any alteration or extension to a generating station or laboratory, to satisfy the Secretary of State that the security regime to which the site will be subject, during the period in which the work is to be carried out and thereafter, will conform to a security plan approved by him.

Regulation 9 provides that the Secretary of State for Trade and Industry is responsible for the enforcement of these Regulations.