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STATUTORY INSTRUMENTS

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**2003 No. 403**

**The Nuclear Industries Security Regulations 2003**

**PART 5**

**GENERAL AND SUPPLEMENTARY PROVISIONS**

**Application of provisions of the 1974 Act**

**23.**—(1) The following provisions of the 1974 Act<sup>(1)</sup> apply for the purposes of these Regulations as they apply for the purposes of that Act, but with the modifications specified in paragraphs (3) to (6).

(2) Those provisions are—

- (a) section 19 (appointment of inspectors);
- (b) section 20 (powers of inspectors);
- (c) section 26 (power of enforcing authorities to indemnify their inspectors);
- (d) section 27(1) (obtaining of information);
- (e) section 28<sup>(2)</sup> (restrictions on disclosure of information);
- (f) section 33(1)(e), (f), (h), (i), (j), (k), (l), (m), (n) and (o) <sup>(3)</sup> (offences);
- (g) section 35 (venue);
- (h) section 36 (offences due to fault of other person);
- (i) section 37 (offences by bodies corporate);
- (j) section 38 (restriction on institution of proceedings in England and Wales);
- (k) section 42 (power of court to order cause of offence to be remedied or, in certain cases, forfeiture);
- (l) section 46 (service of notices).

(3) In those sections—

- (a) references to an enforcing authority are to be taken as references to the Secretary of State with responsibility for Trade and Industry, and
- (b) references to the relevant statutory provisions are to be taken as references to section 77 of the 2001 Act (regulation of security of civil nuclear industry), these Regulations and any provisions of the 1974 Act which apply for the purposes of these Regulations.

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(1) Most of these provisions are modified by [S.I. 1992/3073](#), regulation 28 and Schedule 6, paragraph 1.

(2) Section 28 is amended by the Local Government Act 1985 (c. 51), section 84 and Schedule 14, paragraph 52; the Consumer Protection Act 1987 (c. 43), section 36 and Schedule 3; the Education Reform Act 1988 (c. 40), section 237 and Schedule 13; the Water Act 1989 (c. 15), section 190 and Schedule 25, paragraph 46; the Environment Act 1995 (c. 25), sections 78 and 120, Schedule 10, paragraph 12, Schedule 22, paragraph 30 and Schedule 24; and the Greater London Authority Act 1999 (c. 29), section 328 and Schedule 29, paragraph 23.

(3) Section 33(1) is amended by the Employment Protection Act 1975 (c. 71), section 116 and Schedule 15, paragraph 9, and the Consumer Protection Act 1987 (c. 43), section 36 and Schedule 3, and in part repealed by the Forgery and Counterfeiting Act 1981 (c. 45), section 30 and Schedule.

- (4) In section 20 (powers of inspectors)—
  - (a) in subsection (2)(a) for the words “which in his opinion is or may be dangerous” there are substituted the words “where in his opinion delay would be prejudicial to ensuring effective security”,
  - (b) in subsection (2)(h) for the words from “being an article” to “safety” there are substituted the words “where it appears to him to be desirable to do so in the interests of ensuring effective security”, and
  - (c) in subsection (4) for the words “the safety of the State” there are substituted the words “national security”.
- (5) In section 27(1) (obtaining of information)—
  - (a) in paragraph (a) for the words “the Commission may, with the consent of the Secretary of State,” there are substituted the words “the Secretary of State may”,
  - (b) in that paragraph, the words “to the Commission or, as the case may be,” are omitted, and
  - (c) the second sentence is omitted.
- (6) In section 38 (restriction on institution of proceedings in England and Wales) for the words from “an inspector” to the end there are substituted the words “the Secretary of State”.