
STATUTORY INSTRUMENTS

2003 No. 403

The Nuclear Industries Security Regulations 2003

PART 5

GENERAL AND SUPPLEMENTARY PROVISIONS

Application of provisions of the 1978 Order

24.—(1) The following provisions of the 1978 Order⁽¹⁾ apply for the purposes of these Regulations as they apply for the purposes of that Order, but with the modifications specified in paragraphs (3) to (6).

(2) Those provisions are—

- (a) Article 21 (appointment of inspectors);
- (b) Article 22 (powers of inspectors);
- (c) Article 28 (power of enforcing authorities to indemnify their inspectors);
- (d) Article 29(1) (obtaining of information);
- (e) Article 30⁽²⁾ (restrictions on disclosure of information);
- (f) Article 31(1)(e), (f), (h), (i), (j), (k), (l), (m), (n) and (o) ⁽³⁾ (offences);
- (g) Article 33 (venue);
- (h) Article 34 (offences due to fault of other person);
- (i) Article 34A (offences by bodies corporate);
- (j) Article 35 (restriction on institution of proceedings); and
- (k) Article 39 (power of court to order cause of offence to be remedied and, in certain cases, forfeiture).

(3) In those Articles—

- (a) references to “the 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 1978 Order which apply for the purposes of these Regulations.

(4) In Article 22 (powers of inspectors)—

⁽¹⁾ Most of these provisions are modified by [S.I. 1992/3073](#), regulation 28 and Schedule 6, paragraph 2.
⁽²⁾ Article 30 is amended by [S.I. 1987/2049 \(N.I. 20\)](#), Article 28 and Schedule 2, and [S.I. 1998/2795 \(N.I. 18\)](#), Schedule 1, paragraph 8.
⁽³⁾ Article 31 is amended by [S.I. 1987/2049 \(N.I. 20\)](#), Article 28 and Schedule 2; [S.I. 1992/1728 \(N.I. 17\)](#), Article 6; and [S.I. 1996/1883 \(N.I. 15\)](#), Articles 9 and 13(3) and Schedule 5; and in part repealed by the Forgery and Counterfeiting Act 1981 (c. 45), section 30 and Schedule Part III; [S.I. 1988/595 \(N.I. 3\)](#) Article 10(1); [S.I. 1992/1728 \(N.I. 17\)](#), Articles 6, 8 and Schedule 2; and [S.I. 1998/2795 \(N.I. 18\)](#), Schedule 1, paragraph 15 and Schedule 2.

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- (a) in paragraph (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 paragraph (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”,
 - (c) in paragraph (3) for the words “the Department concerned” there are substituted the words “the Secretary of State”, and
 - (d) in paragraph (4) for the words “the safety of the State” there are substituted the words “national security”.
- (5) In Article 29(1) (obtaining of information)—
- (a) for the words “the Department concerned or the Executive” there are substituted the words “the enforcing authority”, and
 - (b) the words “to the Executive or, as the case may be,” are omitted.
- (6) In Article 35 (restriction on institution of proceedings) for the words from “an inspector” to the end there are substituted the words “the Secretary of State”.