
STATUTORY INSTRUMENTS

2004 No. 1255

The Nuclear Safeguards (Notification) Regulations 2004

Citation and commencement

1. These Regulations may be cited as the Nuclear Safeguards (Notification) Regulations 2004, and shall come into force on 5th May 2004.

Interpretation

2. In these Regulations:

“Annex II” means Annex II to the Additional Protocol⁽¹⁾;

“electronic communications network” has the same meaning as in section 32 of the Communications Act 2003⁽²⁾;

“the commencement date” means 30th April 2004, the entry into force date of the Additional Protocol;

“high enriched uranium” means uranium containing 20 per cent or more of the isotope uranium-235;

“non-nuclear-weapon State” means a State other than China, France, Russia, the United Kingdom and the United States of America;

“nuclear fuel cycle-related research and development activities” means research and development activities which are specifically related to any process or system development aspect of—

- (a) the enrichment of nuclear material,
- (b) the reprocessing of nuclear fuel, or
- (c) the processing of intermediate or high level waste containing plutonium, high enriched uranium, or uranium-233

but does not include activities related to theoretical or basic scientific research or to research and development on industrial radioisotope applications, medical, hydrological or agricultural applications, health or environmental effects or improved maintenance;

“nuclear material” means any source material (other than ore or ore residue) or any special fissionable material;

“processing of intermediate or high level waste” does not include—

- (a) repackaging of the waste for storage or disposal,
- (b) conditioning of the waste not involving the separation of elements, for storage or disposal;

“source material” means uranium containing the mixture of isotopes occurring in nature, uranium depleted in the isotope 235, thorium, and any of the foregoing in the form of metal, alloy, chemical compound or concentrate;

(1) Cm 4282.
(2) 2003 c. 21.

“special fissionable material” means plutonium-239, uranium-233, uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature, and any material containing one or more of the foregoing.

Persons required to notify the Secretary of State

3.—(1) Subject to regulation 5, a person shall notify the Secretary of State not later than two months after the commencement date if at any time during the period of six months ending on the commencement date he has carried out in the United Kingdom any of the activities specified in paragraph 1 of the Schedule.

(2) Subject to regulation 5, a person shall notify the Secretary of State not later than two months after the commencement date if at any time during the period of six months ending on the commencement date he has carried out in the United Kingdom any nuclear fuel cycle-related research and development activities which were:

- (a) carried out in co-operation with, or otherwise relevant to, a non-nuclear-weapon State; and
- (b) not funded, specifically authorised or controlled by, or carried out on behalf of, Her Majesty’s Government.

4.—(1) Subject to regulation 5, a person shall notify the Secretary of State on or before 15th January in each year if at any time during the previous calendar year he has carried out in the United Kingdom any of the activities specified in paragraph 1 of the Schedule.

(2) Subject to regulation 5, a person shall notify the Secretary of State on or before 15th January in each year if at any time during the previous calendar year he has carried out in the United Kingdom any nuclear fuel cycle-related research and development activities which were:

- (a) carried out in co-operation with, or otherwise relevant to, a non-nuclear-weapon State; and
- (b) not funded, specifically authorised or controlled by, or carried out on behalf of, Her Majesty’s Government.

Persons not required to notify the Secretary of State

5.—(1) The Secretary of State may serve on a person a written notice setting out particulars which the Secretary of State already has in relation to that person.

(2) A person on whom a notice has been served under paragraph (1) is not required to notify the Secretary of State under regulation 3 or 4 if the particulars set out in the notice are accurate at the time the notice is received by that person and are all the particulars which that person would be required to provide under these Regulations but for this paragraph.

(3) A person who by virtue of paragraph (2) is not required to notify the Secretary of State under regulation 3 or 4 shall, within 14 days of any change in any of the particulars which were set out in the notice served on him under paragraph (1), give to the Secretary of State notice of the new particulars.

(4) Section 10 of the Nuclear Safeguards Act 2000 applies in relation to the service by the Secretary of State of notices under paragraph (1).

Form of notification to the Secretary of State

6.—(1) A person who is required to notify the Secretary of State under regulation 3 or 4 shall do so by giving a notice to the Secretary of State containing particulars of his name, his proper address (within the meaning of section 10(3) of the Nuclear Safeguards Act 2000), each activity, referred to in the regulation in question, which he has carried out during the relevant period and the address of each place at or from which he has carried out each such activity.

(2) A person who has given particulars to the Secretary of State pursuant to paragraph (1) shall, within 14 days of any change in any of those particulars, give to the Secretary of State notice of the new particulars.

(3) Any notice to be given by a person under paragraph (1) or (2), or under regulation 5(3), shall be in writing and sent by post or delivered to the Safeguards Office, Department of Trade and Industry, 4 Abbey Orchard Street, London SW1P 2HT, or sent by means of an electronic communications network to ukso@dti.gsi.gov.uk.

1st May 2004

Nigel Griffiths,
Parliamentary Under Secretary of State for Small
Business and Enterprise,
Department of Trade and Industry