

2004 No. 1288

NUCLEAR SAFEGUARDS

The Nuclear Safeguards (Jersey) Order 2004

Made 6th May 2004

Coming into force 7th May 2004

At the Court at Buckingham Palace, the 6th day of May 2004

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 12(4) of the Nuclear Safeguards Act 2000(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Nuclear Safeguards (Jersey) Order 2004 and shall come into force on 7th May 2004.

(2) In this Order—

“Jersey” means the Bailiwick of Jersey;

“the 1978 Act” means the Nuclear Safeguards and Electricity (Finance) Act 1978(b); and

“the 2000 Act” means the Nuclear Safeguards Act 2000.

2.—(1) The provisions of the 1978 Act shall extend to Jersey with the modifications specified in Schedule 1 to this Order.

(2) The provisions of the 2000 Act, including the amendments made to section 2 of the 1978 Act, shall extend to Jersey with the modifications specified in Schedule 2 to this Order.

A.K. Galloway
Clerk of the Privy Council

SCHEDULE 1

Article 2(1)

Modifications of the 1978 Act in its Extension to Jersey

1. In section 1(1), for the first reference to “the United Kingdom”, substitute “Jersey”.
2. In section 2(a)—
 - (a) omit subsections (3) and (6);
 - (b) in subsection (5) for the words from “liable” to the end substitute “liable on conviction to a term of imprisonment not exceeding two years or to a fine or to both”.
3. In section 3—
 - (a) in subsection (1), for the words from “Secretary of State” to “him”, substitute “Policy and Resources Committee shall by Order make such provision as appears to it”;
 - (b) in subsection (1)(a), for “the United Kingdom” substitute “Jersey”;
 - (c) for subsection (2) substitute—

“(2) An Order under this section may provide that any person contravening or failing to comply with any provision of the Order shall be liable on conviction to a fine not exceeding level 4 on the standard scale.”;
 - (d) for subsection (3) substitute—

“(3) In this section references to “the standard scale” mean the standard scale of fines specified for the time being in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, as amended.”.
4. For section 4(1) substitute—

“(1) Where an offence under section 2 above or under an Order made under section 3 above, committed by a limited liability partnership or body corporate, is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

 - (a) a person who is a partner of the partnership, or a director, manager, secretary or similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,

the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.”.
5. Omit section 5(b).
6. Omit section 6(2).

SCHEDULE 2

Article 2(2)

Modifications of the 2000 Act in its Extension to Jersey

1. In section 1
 - (a) in subsection (1)—

(a) Section 11(3) of the 2000 Act amends section 2 of the 1978 Act. Article 2(2) and Schedule 2 to this Order provide for the extension and modification of those amendments.

(b) Section 5, as enacted, was repealed by section 112(4) and Schedule 18 to the Electricity Act 1989 (c.29).

- (i) in the definition of “Additional Protocol information”, after the words “Secretary of State”, insert “or the Committee” and for the words “the United Kingdom” insert “Jersey”;
 - (ii) in the definition of “authorised officer”, for “Secretary of State” substitute “the Committee”;
 - (iii) after the definition of “authorised officer” insert the following—
 - ““the Committee” means the Policy and Resources Committee; and
 - “police officer” means a member of the Honorary Police or of the States of Jersey Police Force;”;
 - (b) after subsection (3) insert the following new subsection—
 - “(4) The Committee may, to such extent and subject to such restrictions and conditions as it may think proper, delegate or authorise the delegation of any of its powers under this Order to any person, class or description of persons approved by the Committee, and references in this Order to the Committee or to an authorised person shall be construed accordingly.”.
- 2.** In section 2—
- (a) in subsection (1), after the words “giving information to” insert “the Committee or”; and
 - (b) in subsections (2) and (3) for “Secretary of State” in each place where these words occur, substitute “Committee”.
- 3.** In section 3—
- (a) for “Secretary of State”, at each place where these words occur, substitute “Committee”;
 - (b) in subsection (1) for “him” substitute “the Committee”;
 - (c) for “regulations”, at each place where that word occurs, substitute “Orders”; and
 - (d) omit subsection (4).
- 4.** In section 4—
- (a) in subsection (1)—
 - (i) for “a justice of the peace” substitute “the Bailiff”; and
 - (ii) in paragraphs (a) and (b) for “Secretary of State” substitute at both places “Committee”;
 - (b) in subsection (2)—
 - (i) for “a justice of the peace” substitute “the Bailiff”; and
 - (ii) for “Secretary of State” substitute at each place, “Committee”;
 - (c) omit subsection (4); and
 - (d) in subsections (6), (7), (8) and (9)(b), at each place where the word “constable” appears, substitute “police officer”.
- 5.** In section 5—
- (a) in subsection (1), for “the United Kingdom” substitute “Jersey”;
 - (b) in subsection (3)(a), for “Secretary of State in relation to that paragraph in an order made by statutory instrument” substitute “Committee in relation to that paragraph by Order”;
 - (c) in subsection (3)(b), for “specified by the Secretary of State in an order made by statutory instrument” substitute “specified by the Committee by Order”;
 - (d) in subsection (6), after “Secretary of State” insert “or the Committee”; and
 - (e) in subsections (5) and (7)(b), for the word “constable” substitute “police officer”.
- 6.** In section 6(2)(f), after “United Kingdom” insert “or of Jersey”.
- 7.** In section 7—

- (a) for “Secretary of State” at each place, substitute “Committee”; and
- (b) in paragraph (b), for “regulations” substitute “an Order” .

8. In section 8—

- (a) in subsection (1), for “a justice of the peace” substitute “the Bailiff”, and omit paragraph (b); and
- (b) for “constable” at each place where that word appears, substitute “police officer”.

9. In section 9—

- (a) in subsection (1), for the words from “liable” to the end, substitute “liable on conviction to a fine”;
- (b) in subsection (2), for the words from “liable” to the end, substitute “liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both”;
- (c) for subsection (3) substitute—

“(3) Where an offence under this Act, committed by a limited partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) a person who is a partner of the partnership, or a director, manager, secretary or similar officer of the body corporate; or
- (b) any person purporting to act in any such capacity,

the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.”; and

- (d) omit subsection (5).

10. In section 10(3)—

- (a) omit the words “and section 7 of the Interpretation Act 1978 (service of documents) in its application to this section”;
- (b) in paragraphs (a) and (b), after “United Kingdom” insert “or Jersey”.

11. In section 11—

- (a) omit subsections (1) and (2);
- (b) in subsection (3)(b), in the inserted subsection 2(4A) of the 1978 Act for the words “shall be liable” to the end substitute “shall be liable on conviction to a fine.”;
- (c) in subsection (3)(c), in the inserted section 2(8) of the 1978 Act, after “Secretary of State”, insert “or the Committee”.

12. Omit section 12(2), (4) and (5).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the Nuclear Safeguards and Electricity (Finance) Act 1978 and the Nuclear Safeguards Act 2000 to Jersey with the modifications specified in Schedules 1 and 2 to the Order.

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