

**2004 No. 1289**

**NUCLEAR SAFEGUARDS**

**The Nuclear Safeguards (Isle of Man) 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. This Order may be cited as the Nuclear Safeguards (Isle of Man) Order 2004 and shall come into force on 7th May 2004.

2.—(1) The provisions of the Nuclear Safeguards and Electricity (Finance) Act 1978(b) shall extend to the Isle of Man with the modifications specified in Schedule 1 to this Order.

(2) The provisions of the Nuclear Safeguards Act 2000 shall extend to the Isle of Man with the modifications specified in Schedule 2 to this Order.

*A.K. Galloway*  
Clerk of the Privy Council

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(a) 2000 c.5.

(b) 1978 c.25 as amended by section 32 of the Magistrates' Courts Act 1980 (c.43), section 37(2) of the Criminal Justice Act 1982 (c.48), Part XIV (Group 2) of Schedule 1 to the Statute Law (Repeals) Act 1993 (c.50) following the insertion of a definition of "the statutory maximum" into Schedule 1 to the Interpretation Act 1978 (c.30) by paragraph 58 of Schedule 15 to the Criminal Justice Act 1988 (c.33) and section 11(3) of the Nuclear Safeguards Act 2000. Section 2 of the Nuclear Safeguards and Electricity (Finance) Act 1978 has also been amended by virtue of S.I. 1984/447. There have been other amendments to the 1978 Act which are not relevant for the purposes of this Order.

## SCHEDULE 1

Article 2(1)

### Modifications of the Nuclear Safeguards and Electricity (Finance) Act 1978 in its Extension to the Isle of Man

1. In section 1(1), for “the United Kingdom” (first reference) substitute “the Isle of Man”.
2. In section 2—
  - (a) omit subsection (3);
  - (b) in subsections (4A)(b)(a) and (5)(b) (both places), for “indictment” substitute “information”;
  - (c) in subsection (8)(b), for “Secretary of State” substitute “Department of Local Government and the Environment”;
3. In section 3—
  - (a) in subsection (1)—
    - (i) for “Secretary of State” substitute “Council of Ministers”; and
    - (ii) for “him” substitute “it”;
  - (b) in subsection (1)(a), for “United Kingdom” substitute “Isle of Man”;
  - (c) for subsection (3) substitute—

“(3) Regulations under this section shall not have effect unless they are approved by Tynwald.”.
4. Omit section 5(c).
5. Omit section 6(2).

## SCHEDULE 2

Article 2(2)

### Modifications of the Nuclear Safeguards Act 2000 in its Extension to the Isle of Man

1. In section 1—
  - (a) in subsection (1), in the definition of “authorised officer”, for “Secretary of State” substitute “Department”;
  - (b) after that definition insert—

““Department” means the Department of Local Government and the Environment;”.
2. In section 2(1), (2) and (3)(a), for “Secretary of State” (in each place) substitute “Department”.
3. In section 3—
  - (a) in subsection (1)—
    - (i) for “Secretary of State” substitute “Council of Ministers”; and
    - (ii) for “him” substitute “the Department”.
  - (b) in subsections (2)(b), (3)(a) and (5), for “Secretary of State” substitute “Department”.

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(a) Subsection (4A) was inserted in section 2 by section 11(3) of the Nuclear Safeguards Act 2000.

(b) Subsection (8) was inserted by 11(3) of the Nuclear Safeguards Act 2000.

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

- (c) for subsection (4) substitute—  
“(4) Regulations under this section shall not have effect unless they are approved by Tynwald.”.
- 4. In section 4—
  - (a) in subsections (1)(a) and (b), (2) and (2)(a) and (c), for “Secretary of State” substitute “Department”;
  - (b) omit subsection (4).
- 5. In section 5—
- 6. In subsection (1), for “United Kingdom” substitute “Isle of Man”;
- 7.—(1) In subsections (3)(a) and (b), for “Secretary of State” substitute “Council of Ministers” and omit the words “made by statutory instrument”; and  
(2) after subsection (3)(b) insert—  
“An order under paragraph (a) or (b) shall be laid before Tynwald as soon as may be after it is made.”
- 8. In section 6(2)(f), after “United Kingdom” insert “or the Isle of Man”.
- 9. In section 7, for “Secretary of State” (in each place) substitute “Department”.
- 10. In section 8(1), omit the words from “or (b)” to “paragraph (a) above,”.
- 11. In section 9—
  - (a) in subsection (1)(b), for “indictment” substitute “information”;
  - (b) for subsection (2)(b) substitute—  
“(b) on conviction on information, to custody for a term not exceeding 2 years or to a fine (or both).”; and
  - (c) omit subsection (5).
- 12. In section 10(3)(a) and (b), after “United Kingdom” insert “or the Isle of Man”.
- 13. Omit section 11(1) and (2).
- 14. 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 the Isle of Man with the modifications specified in Schedules 1 and 2 to the Order.

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