



Nuclear Safeguards Act 2000

2000 CHAPTER 5

5 Rights of access etc. for Agency inspectors.

- (1) This section has effect for securing that the Agency's rights under the Additional Protocol—
- (a) of access to locations of a description mentioned in Article 5, for purposes permitted by Article 4 or any other provision of the Additional Protocol in relation to locations of that description;
 - (b) of access to locations specified by the Agency for the purposes of Article 9, for the purpose of carrying out wide-area environmental sampling; and
 - (c) to carry out activities at those locations,
- are exercisable in the United Kingdom by Agency inspectors.
- (2) An Agency inspector may, at any location falling within subsection (1)—
- (a) exercise such rights of access and entry as are required for the purposes of the Additional Protocol; and
 - (b) do anything which the Agency is entitled to do by virtue of Article 6 (if the location falls within subsection (1)(a)) or Article 9 (if it falls within subsection (1)(b));
- but only in accordance with and subject to the provisions of the Additional Protocol and the Safeguards Agreement (including any arrangements for managed access made under Article 7, procedural arrangements for wide-area environmental sampling approved under Article 9, or subsidiary arrangements agreed under Article 13).
- (3) For the purposes of subsection (2)—
- (a) the reference to “other objective measures” in any paragraph of Article 6 shall be taken to refer only to measures specified by the Secretary of State in relation to that paragraph in an order made by statutory instrument; and
 - (b) the reference to procedural arrangements for wide-area environmental sampling in Article 9 shall be taken to refer only to arrangements specified by the Secretary of State in an order made by statutory instrument.

[^{F1}(3A) The Secretary of State must consult the Office for Nuclear Regulation before making an order under subsection (3) unless the order gives effect, without modification, to

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any proposals for such an order submitted by the Office for Nuclear Regulation under section 81(1)(a)(v) of the Energy Act 2013.]

- (4) An authorised officer may accompany an Agency inspector while he is exercising powers under this section.
- (5) A constable may—
- (a) give such assistance as an Agency inspector, or an authorised officer accompanying that inspector, may request for the purpose of facilitating the exercise of powers under this section; and
 - (b) use such reasonable force as he considers necessary for that purpose.
- (6) If in any proceedings any question arises whether a person at any time when purporting to exercise powers under this section was or was not an Agency inspector, a certificate issued by or under the authority of the [^{F2}Office for Nuclear Regulation] stating any fact relevant to that question shall be conclusive evidence of that fact.
- (7) A person who—
- (a) wilfully obstructs an Agency inspector or authorised officer in the exercise of a power under this section;
 - (b) fails without reasonable excuse to comply with a reasonable request made by an Agency inspector, an authorised officer or a constable for the purpose of facilitating the exercise of such a power; or
 - (c) interferes without reasonable excuse with anything placed on any land in exercise of such a power,
- is guilty of an offence.
- (8) In this section “wide-area environmental sampling” has the meaning given by Article 18.g.

Textual Amendments

- F1** S. 5(3A) inserted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 47(2)**; S.I. 2014/251, art. 4
- F2** Words in s. 5(6) substituted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), **Sch. 12 para. 47(3)**; S.I. 2014/251, art. 4

Commencement Information

- I1** S. 5(1)(a)(c)(3)-(8) in force at 1.5.2004 by S.I. 2004/1242, **arts. 2, 3**
- I2** S. 5(2) in force at 1.5.2004 for specified purposes by S.I. 2004/1242, **arts. 2, 3**

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