



Jersey

NUCLEAR SAFEGUARDS (JERSEY) ORDER 2004

Unofficial extended UK law

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APPENDIX



Jersey

NUCLEAR SAFEGUARDS (JERSEY) ORDER 2004

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Jersey

L.11/2004

NUCLEAR SAFEGUARDS (JERSEY) ORDER 2004*Sanctioned by Order of Her Majesty in Council**6th May 2004**Registered by the Royal Court**9th July 2004**In force date**7th May 2004*

HER MAJESTY, in exercise of the powers conferred upon Her by section 12(4) of the Nuclear Safeguards Act 2000, 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; 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

(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) 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.¹”;
- (d) for subsection (3) substitute –
 - “(3) In this section references to “the standard scale” means 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.²”.

4

For section 4(1) substitute –

“(4) 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.

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) –
 - (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;”; and
- (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) to 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 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.”; 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 subsection (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).

NUCLEAR SAFEGUARDS AND ELECTRICITY (FINANCE) ACT 1978

(1978 c. 25)

*ARRANGEMENT OF SECTIONS**Safeguards on nuclear material**Section*

- 1 The Safeguards Agreement.
- 2 Rights of Agency inspectors.
- 3 Regulations for giving effect to certain provisions of Safeguards Agreement.
- 4 Offences by bodies corporate.

Contributions in connection with Drax power station

- 5 * * * * *

Supplemental

- 6 Short title and extent.

ELIZABETH II

1978 c. 25

AN ACT to make provision for giving effect to an International Agreement for the application of Safeguards in the United Kingdom in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; and to authorise contributions by the Secretary of State to expenditure by the Central Electricity Generating Board in connection with the construction of the second stage of the Board's generating station at Drax.

[30th June 1978]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows³ –

*Safeguards on nuclear material***1 The Safeguards Agreement**

- (1) The provisions of sections 2 and 3 below shall have effect for the purpose of enabling effect to be given in [Jersey] to the Agreement made on 6th September 1976 at Vienna between the United Kingdom, the European Atomic Energy Community and the International Atomic Energy Agency for the application of Safeguards in the United Kingdom in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.
- (2) The text of the Agreement referred to in subsection (1) above was presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty on 3rd March 1977, and in the following provisions of this Act –
 - (a) the Agreement (of which the Protocol attached thereto forms an integral part) is referred to as “the Safeguards Agreement”; and
 - (b) any reference to a numbered article is a reference to the article of the Safeguards Agreement which bears that number.

2 Rights of Agency inspectors

- (1) Subject to subsection (2) below, for the purpose of –
 - (a) making any inspection permitted by articles 71 to 84; or
 - (b) verifying design information, as mentioned in article 50,

any person designated as an inspector of the International Atomic Energy Agency under article 85 may enter any facility or part thereof and there make any inspection or do any other thing which may reasonably be required for that purpose.

- (2) The powers conferred by subsection (1) above shall be exercisable only in the cases specified in, and subject to the provisions of, the Safeguards Agreement and, in particular, –
 - (a) shall be exercisable only in accordance with articles 5, 9(c) and 87 and the provisions of the Protocol which forms part of the Safeguards Agreement; and
 - (b) where article 83 applies, shall not be exercisable unless any advance notice required by that article has been given.
- (3) * * * * *
- (4) Any person who –
 - (a) intentionally obstructs any person exercising a power conferred by subsection (1) above; or
 - (b) without reasonable excuse refuses or fails to provide any information or to permit any inspection reasonably required by any such person; or
 - (c) without reasonable excuse refuses or fails to carry out in a facility any operation which he is requested to carry out by a person designated as mentioned in subsection (1) above,

shall be liable on summary conviction to a fine not exceeding £1,000.
- (5) If any person in giving any information reasonably required by any person exercising a power conferred by subsection (1) above makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular he shall be [liable on conviction to a term of imprisonment not exceeding two years or to a fine or to both].
- (6) * * * * *
- (7) In this section “facility” has the meaning assigned to it by article 92(2)I.

3 Regulations for giving effect to certain provisions of Safeguards Agreement

- (1) The [Policy and Resources Committee shall by Order make such provision as appears to it] to be necessary –
 - (a) for taking any action required in [Jersey] under article 18 or article 19; and
 - (b) for giving effect to any arrangements made under article 76(d);

and any such provision may impose limitations on the scope or exercise of any power conferred by section 2(1) above.

- [(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.^{4]}
- [(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.^{5]}

4 Offences by bodies corporate

- [(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.]
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Contributions in connection with Drax power station

5 * * * * *

Supplemental

6 Short title and extent

- (1) This Act may be cited as the Nuclear Safeguards and Electricity (Finance) Act 1978.
- (2) * * * * *

NUCLEAR SAFEGUARDS ACT 2000

(2000 c. 5)

*ARRANGEMENT OF SECTIONS**Section*

- 1 Interpretation.
- 2 Information and records for purposes of the Additional Protocol.
- 3 Identifying persons who have information.
- 4 Powers of entry in relation to Additional Protocol Information.
- 5 Rights of access etc. for Agency inspectors.
- 6 Restriction on disclosure.
- 7 Giving false or misleading information.
- 8 Power to search and obtain evidence.
- 9 Penalty for offences and offences by bodies corporate.
- 10 Service of notices.
- 11 Minor and consequential amendments.
- 12 Short title etc.

ELIZABETH II

2000 c. 5

AN ACT to enable effect to be given to the protocol signed at Vienna on 22nd September 1998 additional to the agreement for the application of safeguards in the United Kingdom in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; to allow effect to be given to that agreement in certain territories outside the United Kingdom; and for connected purposes.

[25th May 2000]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows⁶ –

1 Interpretation

(1) In this Act –

“Additional Protocol” means the protocol signed at Vienna on 22nd September 1998 (Cm. 4282) additional to the Safeguards Agreement;

“Additional Protocol information” means information which the Secretary of State [or the Committee] needs or will need in order to enable the obligations of [Jersey] under Article 2 of, or the third or fourth paragraph of Annex III to, the Additional Protocol to be met;

“Agency” means the International Atomic Energy Agency;

“Agency inspector” means a person designated under Article 85 of the Safeguards Agreement or Article 11 of the Additional Protocol;

“authorised officer” means a person authorised by [the Committee] for the purpose of exercising powers under this Act; and

[“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;]

“Safeguards Agreement” means the agreement made on 6th September 1976 between the United Kingdom, the European Atomic Energy Community and the Agency for the application of safeguards in the United Kingdom in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

(2) References in the following provisions of this Act to Articles or Annexes are to articles of or annexes to the Additional Protocol.

- (3) For the purposes of this Act the text of the Additional Protocol is that signed on 22nd September 1998 but subject, in the case of Annexes I and II, to any amendments made under Article 16.b.
- [(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 Information and records for purposes of the Additional Protocol

- (1) No obligation as to secrecy or other restriction on disclosure (whether imposed by statute or otherwise) prevents a person voluntarily giving information to [the Committee or] the Secretary of State if that person has reasonable cause to believe that it is Additional Protocol information.
- (2) The [Committee] may serve a notice on any person requiring him to give the [Committee] information, or information of a description, specified in the notice –
 - (a) within a period or at times specified in the notice; and
 - (b) if the notice so provides, in such form as the notice may require.
- (3) The information required by a notice –
 - (a) must be information which the [Committee] has reasonable cause to believe is Additional Protocol information; and
 - (b) may relate to a state of affairs subsisting before the coming into force of this Act or of the Additional Protocol.
- (4) A notice shall not require a person to give information which is required only for the purposes of sub-paragraph (ii) of Article 2.a. unless the notice sets out the terms, agreed by the United Kingdom, in which the Agency has identified information for the purposes of that sub-paragraph.
- (5) A person who refuses or fails without reasonable excuse to comply with a notice is guilty of an offence.
- (6) The duty to comply with a notice is not affected by any obligation or restriction mentioned in subsection (1).
- (7) A person on whom a notice is served shall keep and retain such records of information in his possession (and retain any existing records) as may be necessary to enable him to comply with the notice; and a failure to do so shall be taken into account in proceedings for an offence under subsection (5) in determining whether a reasonable excuse exists for a refusal or failure to comply with the notice.
- (8) In this section “notice” means a notice served under subsection (2).

3 Identifying persons who have information

- (1) The [Committee] may make [Orders] requiring persons of any description specified in the [Orders] to inform [the Committee] that they are of such a

description and to give such supplementary particulars as may be so specified.

- (2) Any such description must be so framed that persons within it are –
 - (a) persons about whose activities the United Kingdom is or will be obliged under the Additional Protocol to provide information to the Agency; or
 - (b) other persons likely to be in possession of information which the [Committee] has reasonable cause to believe is Additional Protocol information.
- (3) The [Orders] may –
 - (a) require persons to notify the [Committee] of changes in their circumstances; and
 - (b) include incidental and supplementary provisions.
- (4) * * * * *
- (5) If [Orders] are made under this section the [Committee] shall arrange for a statement of the fact that they have been made to be published in such manner as is likely to bring them to the attention of persons affected by them.
- (6) A person who fails without reasonable excuse to comply with a requirement imposed by regulations under this section is guilty of an offence.

4 Powers of entry in relation to Additional Protocol information

- (1) If [the Bailiff] is satisfied, on information on oath, that a person served with a notice under section 2(2) has refused to give all or any of the information required by the notice, or has failed to give all or any of that information within the period or at the time required by the notice, and that there are reasonable grounds for believing –
 - (a) that the [Committee] is not in possession of all or any of the information which that person has refused or failed to give; and
 - (b) that a document or other thing, containing any of the information which that person has refused or failed to give and which is not in the possession of the [Committee], is to be found on any premises,he may issue a warrant authorising an authorised officer to enter the premises, if necessary by force, at any reasonable hour within one month from the time of the issue of the warrant and to search them.
- (2) If [the Bailiff] is satisfied, on information on oath, that the [Committee] has specified information, or information of a description, in a notice served under section 2(2) or in a certificate for the purposes of this subsection, and that there are reasonable grounds for believing –
 - (a) that the [Committee] is not in possession of all or any of the information so specified or all or any information of the description so specified;

- (b) that a document or other thing containing any of the information so specified or any information of the description so specified is to be found on any premises; and
 - (c) that the document or other thing is likely to be altered, destroyed or otherwise disposed of without all the information so specified or all the information of the description so specified which is contained in it and is not in the possession of the [Committee] having been given to him,
- he may issue a warrant authorising an authorised officer to enter the premises, if necessary by force, at any reasonable hour within one month from the time of the issue of the warrant and to search them.
- (3) For the purposes of subsection (2) there may be specified in a certificate only information, or information of a description, which could be specified in a notice under section 2(2).
 - (4) * * * * *
 - (5) The powers of an authorised officer who enters premises under the authority of a warrant under this section include power –
 - (a) to take with him such other persons and such equipment as appear to him to be necessary;
 - (b) to inspect anything found on the premises;
 - (c) to require any information which is held in electronic form and is accessible from the premises to be produced in a form in which he can read and copy it; and
 - (d) to copy, or to seize and remove, any document or other thing which he has reasonable cause to believe is something which contains Additional Protocol information.
 - (6) A [police officer] who enters premises under the authority of a warrant or by virtue of subsection (5)(a) may –
 - (a) give such assistance as an authorised officer may request for the purpose of facilitating the exercise of any power under this section; and
 - (b) search or cause to be searched any person on the premises who the [police officer] has reasonable cause to believe may have in his possession any document or other thing falling within subsection (5)(d).
 - (7) No [police officer] shall, by virtue of subsection (6)(b), search a person of the opposite sex.
 - (8) The powers conferred by a warrant under this section shall only be exercisable, if the warrant so provides, in the presence of a [police officer].
 - (9) A person who –
 - (a) wilfully obstructs an authorised officer in the exercise of a power conferred by a warrant under this section; or

(b) fails without reasonable excuse to comply with a reasonable request made by an authorised officer or a [police officer] for the purpose of facilitating the exercise of such a power,

is guilty of an offence.

(10) In this section any reference to information contained in a document or other thing includes a reference to information which may be obtained from that document or other thing.

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 [Jersey] 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 [Committee in relation to that paragraph by Order]; 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 Committee by Order].

(4) An authorised officer may accompany an Agency inspector while he is exercising powers under this section.

(5) A [police officer] 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 Secretary of State [or the Committee] 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 [police officer] 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.

6 Restriction on disclosure

- (1) This section applies to information if –
 - (a) it is obtained by any person under, or in connection with anything done under, this Act or the Additional Protocol; and
 - (b) it relates to a particular business or other activity carried on by any person.
- (2) So long as the business or activity continues to be carried on the information shall not be disclosed except –
 - (a) with the consent of the person for the time being carrying on the business or activity;
 - (b) in connection with anything done for the purposes of this Act, the Additional Protocol or the Safeguards Agreement;
 - (c) in connection with the investigation of a criminal offence or for the purposes of criminal proceedings;
 - (d) in connection with the enforcement of a restriction on imports or exports;
 - (e) in dealing with an emergency involving danger to the public; or
 - (f) with a view to ensuring the security of the United Kingdom [or of Jersey].
- (3) A person who discloses information in contravention of this section is guilty of an offence.

- (4) It is not an offence under this section to disclose information which has previously been disclosed to the public otherwise than in contravention of this section.
- (5) A disclosure of any information to which this section applies may be made in circumstances in which any of paragraphs (b) to (f) of subsection (2) prevents there being a contravention of this section, notwithstanding any obligation as to secrecy or other restriction on disclosure that would otherwise apply.

7 Giving false or misleading information

A person who knowingly or recklessly makes a statement which is false or misleading in a material particular in giving –

- (a) any information to the [Committee] or an authorised officer for the purposes of this Act or the Additional Protocol;
- (b) any information to the [Committee] in response to a requirement of [an Order] under section 3; or
- (c) any information to an Agency inspector exercising powers under section 5,

is guilty of an offence.

8 Power to search and obtain evidence

- (1) If –

- (a) [the Bailiff] is satisfied on information on oath that there are reasonable grounds for suspecting that evidence of the commission of an offence under this Act is to be found on any premises; or

- (b) * * * * *

he may issue a warrant authorising an authorised officer to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant and to search them.

- (2) The powers of an authorised officer who enters the premises under the authority of the warrant include power –

- (a) to take with him such other persons and such equipment as appear to him to be necessary;
- (b) to inspect anything found on the premises;
- (c) to require any information which is held in electronic form and is accessible from the premises to be produced in a form in which he can read and copy it;
- (d) to copy, or to seize and remove, any document or other thing which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Act; and
- (e) to sample any substance found on the premises which he has reasonable cause to believe may be required as such evidence.

- (3) A [police officer] who enters premises under the authority of a warrant or by virtue of subsection (2)(a) may –
 - (a) give such assistance as an authorised officer may request for the purpose of facilitating the exercise of any power under this section; and
 - (b) search or cause to be searched any person on the premises who the [police officer] has reasonable cause to believe may have in his possession any document or other thing which may be required as evidence for the purposes of proceedings in respect of an offence under this Act.
- (4) No [police officer] shall, by virtue of subsection (3)(b), search a person of the opposite sex.
- (5) The powers conferred by a warrant under this section shall only be exercisable, if the warrant so provides, in the presence of a [police officer].
- (6) A person who –
 - (a) wilfully obstructs an authorised officer in the exercise of a power conferred by a warrant under this section; or
 - (b) fails without reasonable excuse to comply with a reasonable request made by an authorised officer or a [police officer] for the purpose of facilitating the exercise of such a power,
 is guilty of an offence.

9 Penalty for offences and offences by bodies corporate

- (1) A person guilty of an offence under any provision of this Act except section 6 or 7 is [liable on conviction to a fine].
- (2) A person guilty of an offence under section 6 or 7 is [liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both].
- [(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.]
- (4) In subsection (3) “director”, in the case of a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (5) * * * * *

10 Service of notices

- (1) Any notice under this Act may be served on a person by delivering it to him, by leaving it at his proper address or by sending it by post to him at that address.
- (2) Any such notice may be served –
 - (a) in the case of a body corporate, on the secretary or clerk of that body;
 - (b) in the case of a partnership, on any partner or a person having control or management of the partnership business; and
 - (c) in the case of an unincorporated association (other than a partnership), on any member of its governing body.
- (3) For the purposes of this section * * *, the proper address of any person is –
 - (a) in the case of a body corporate, its secretary or clerk, the address of its registered or principal office in the United Kingdom [or Jersey];
 - (b) in the case of an unincorporated association (other than a partnership) or a member of its governing body, the address of its principal office in the United Kingdom [or Jersey]; and
 - (c) in any other case, his usual or last-known address (whether of his residence or of a place where he carries on business or is employed).

11 Minor and consequential amendments

- (1) * * * * *
- (2) * * * * *
- (3) In section 2 of the Nuclear Safeguards and Electricity (Finance) Act 1978 (rights of Agency inspectors) –
 - (a) in subsection (1), after “article 85” there is inserted “of the Safeguards Agreement or Article 11 of the Additional Protocol (within the meaning of the Nuclear Safeguards Act 2000)”;
 - (b) in subsection (4), for the words from “shall be liable” to the end there is substituted “shall be guilty of an offence.
 - (4A) A person guilty of an offence under subsection (4) above [shall be liable on conviction to a fine.]; and
 - (c) after subsection (7), there is inserted –
 - “(8) 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 a person designated as mentioned in subsection (1) above, a certificate issued by or under the authority of the Secretary of State [or the Committee] stating any fact relevant to that question shall be conclusive evidence of that fact.”

12 Short title, etc.

- (1) This Act may be cited as the Nuclear Safeguards Act 2000.
- (2) * * * *
- (3) Nothing in this Act affects the exercise of powers exercisable under any other enactment.
- (4) * * * *
- (5) * * * *

¹ *Volume 1992-1993, page 437.*

² *Volume 1992-1993, page 435 and Volume 1998, page 715.*

³ *Deletions and words in square brackets indicate adaptations and modifications made by the Nuclear Safeguards (Jersey) Order 2003.*

⁴ *Volume 1992-1993, page 437.*

⁵ *Volume 1992-1993, page 435 and Volume 1998, page 715.*

⁶ *Deletions and words in square brackets indicate adaptations and modifications made by the Nuclear Safeguards (Jersey) Order 2003.*