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# Protocol Additional

to the Agreement between the United Kingdom of Great Britain  
and Northern Ireland, the European Atomic Energy Community  
and the International Atomic Energy Agency for the application  
of Safeguards in the United Kingdom of Great Britain and  
Northern Ireland in connection with the Treaty on the Non-  
proliferation of Nuclear Weapons

Vienna, 22 September 1998

[The Protocol entered into force on 30 April 2004]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
September 2005*

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**PROTOCOL ADDITIONAL TO THE AGREEMENT BETWEEN THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,  
THE EUROPEAN ATOMIC ENERGY COMMUNITY AND THE  
INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION  
OF SAFEGUARDS IN THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND IN CONNECTION WITH THE TREATY ON THE  
NON-PROLIFERATION OF NUCLEAR WEAPONS<sup>1</sup>**

**Preamble**

WHEREAS the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the United Kingdom") and the European Atomic Energy Community (hereinafter referred to as "the Community") are parties to an Agreement between the United Kingdom, the Community and the International Atomic Energy Agency (hereinafter referred to as the "Agency") for the application of safeguards in the United Kingdom of Great Britain and Northern Ireland in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the "Safeguards Agreement"), which entered into force on 14 August 1978;

AWARE OF the desire of the international community to further enhance nuclear non-proliferation by strengthening the effectiveness and improving the efficiency of the Agency's safeguards system;

RECALLING that the Agency must take into account in the implementation of safeguards the need to: avoid hampering the economic and technological development of the United Kingdom or international co-operation in the field of peaceful nuclear activities; respect health, safety, physical protection and other security provisions in force and the rights of individuals; and take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge;

WHEREAS the frequency and intensity of activities described in this Protocol shall be kept to the minimum consistent with the objective of strengthening the effectiveness and improving the efficiency of Agency safeguards;

NOW THEREFORE, the United Kingdom, the Community and the Agency have agreed as follows:

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<sup>1</sup> Treaty Series No.88 (1970) Cmnd 4474

## **RELATIONSHIP BETWEEN THE PROTOCOL AND THE SAFEGUARDS AGREEMENT**

### **Article 1**

The provisions of the Safeguards Agreement shall apply to this Protocol to the extent that they are relevant to and compatible with the provisions of this Protocol. In case of conflict between the provisions of the Safeguards Agreement and those of this Protocol, the provisions of this Protocol shall apply.

## **PROVISION OF INFORMATION**

### **Article 2**

(a) The United Kingdom shall provide the Agency with a declaration containing the information identified in sub-paragraphs (i), (ii), (iii), (viii) and (ix) below. The Community shall provide the Agency with a declaration containing the information identified in sub-paragraphs (iv), (v) and (vi) below. The United Kingdom and the Community shall provide the Agency with a declaration containing the information identified in sub-paragraph (vii) below:

(i) A general description of and information specifying the location of those nuclear fuel cycle-related research and development activities carried out anywhere that are funded, specifically authorized or controlled by, or carried out on behalf of, the United Kingdom, for or in co-operation with, or otherwise relevant to, a non-nuclear-weapon State (hereinafter referred to as “a NNWS” ).

(ii) Information identified by the Agency on the basis of expected gains in effectiveness or efficiency, and agreed to by the United Kingdom, on operational activities of safeguards relevance at facilities or parts thereof designated pursuant to Article 78(a) of the Safeguards Agreement .

(iii) A description of the scale of operations for each location engaged in the activities specified in Annex I to this Protocol, where these involve links with fuel cycle operations in a NNWS.

(iv) Information specifying the location and operational status of uranium mines and concentration plants and thorium concentration plants in the United Kingdom which are involved in production for a NNWS, and the current annual production of such mines and concentration plants for a NNWS. The Community shall provide, upon request by the Agency, the current annual production for a NNWS of an individual mine or concentration plant. The provision of this information does not require detailed nuclear material accountancy.

- (v) Information regarding source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, as follows:
- (a) The quantities, the chemical composition and the destination of each export out of the United Kingdom to a NNWS outside of the Community, of such material in quantities exceeding:
- (1) Ten metric tons of uranium, or for successive exports of uranium from the United Kingdom to the same NNWS each of less than ten metric tons, but exceeding a total of ten metric tons for the year;
- (2) Twenty metric tons of thorium, or for successive exports of thorium from the United Kingdom to the same NNWS each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;
- (b) The quantities, chemical composition, current location and use or intended use of each import into the United Kingdom from a NNWS outside of the Community of such material in quantities exceeding:
- (1) Ten metric tons of uranium, or for successive imports of uranium into the United Kingdom each of less than ten metric tons, but exceeding a total of ten metric tons for the year;
- (2) Twenty metric tons of thorium, or for successive imports of thorium into the United Kingdom each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year; it being understood that there is no requirement to provide information on such material intended for a non-nuclear use once it is in its non-nuclear end-use form.
- (vi) (a) Information regarding the quantities, uses and locations of nuclear material exempted from safeguards pursuant to Article 37 of the Safeguards Agreement which is processed or used for a NNWS;
- (b) Information regarding the quantities (which may be in the form of estimates) and uses at each location, of nuclear material exempted from safeguards pursuant to Article 36(b) of the Safeguards Agreement but not yet in a non-nuclear end-use form, in quantities exceeding those set out in Article 37 of the Safeguards Agreement which is processed or used for a NNWS. The provision of this information does not require detailed nuclear material accountancy.
- (vii) Information regarding the location or further processing of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233 on which safeguards have been terminated pursuant to Article 11 of the Safeguards

Agreement which has been imported from or is to be exported to a NNWS outside of the Community. For the purpose of this paragraph, "further processing" does not include repackaging of the waste or its further conditioning not involving the separation of elements, for storage or disposal.

(viii) The following information regarding specified equipment and non-nuclear material listed in Annex II:

(a) For each export out of the United Kingdom to a NNWS outside of the Community of such equipment and material: the identity, quantity, location of intended use in the receiving State and date or, as appropriate, expected date, of export;

(b) Upon specific request by the Agency, confirmation by the United Kingdom, as importing State, of information provided to the Agency by a NNWS outside of the Community concerning the export of such equipment and material to the United Kingdom.

(ix) General plans for the succeeding ten-year period relevant to the development of the civil nuclear fuel cycle (including planned nuclear fuel cycle-related research and development activities) when approved by the appropriate authorities in the United Kingdom.

(a) The United Kingdom shall make every reasonable effort to provide the Agency with a general description of and information specifying the location of those nuclear fuel cycle-related research and development activities which are specifically related to enrichment, reprocessing of nuclear fuel or the processing of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233 that are carried out anywhere in the United Kingdom but which are not funded, specifically authorized or controlled by, or carried out on behalf of, the United Kingdom and are in co-operation with, or are otherwise relevant to, a NNWS. For the purpose of this paragraph, "processing" of intermediate or high-level waste does not include repackaging of the waste or its conditioning not involving the separation of elements, for storage or disposal.

(b) Upon request by the Agency, the United Kingdom or the Community, or both, as provided under this Article, in so far as relevant for the purpose of safeguards.

### Article 3

(a) The United Kingdom or the Community, as appropriate, shall provide to the Agency the information identified in Article 2.a.(i),(iii),(iv),(vi) and (ix) and Article 2.b. within 180 days of the entry into force of this Protocol.

(b) The United Kingdom or the Community, as appropriate, shall provide to the Agency, by 15 May of each year, updates of the information referred to in paragraph a. above for the period covering the previous calendar year. If there has been no change to the information previously provided, the United Kingdom or the Community, as appropriate, shall so indicate.

(c) The Community shall provide to the Agency, by 15 May of each year, the information identified in Article 2.a.(v) for the period covering the calendar year.

(d) The United Kingdom shall provide to the Agency on a quarterly basis the information identified in Article 2.a.(viii)(a). This information shall be provided within sixty days of the end of each quarter.

(e) The Community and the United Kingdom shall provide to the Agency the information identified in Article 2.a.(vii) 180 days before further processing is carried out and, by 15 May of each year, information on changes in location for the period covering the previous calendar year.

(f) The United Kingdom and the Agency shall agree on the timing and frequency of the provision of the information identified in Article 2.a.(ii).

(g) The United Kingdom shall provide to the Agency the information in Article 2.a.(viii)(b) within sixty days of the Agency's request.

## **COMPLEMENTARY ACCESS**

### **Article 4**

The following shall apply in connection with the implementation of complementary access under Article 5 of this Protocol:

(a). The Agency shall not mechanistically or systematically seek to verify the information referred to in Article 2; however, the Agency shall have access to:

(i) Any location referred to in Article 5.a.(i), (ii) or b. in order to resolve a question relating to the completeness and correctness of the information provided pursuant to Article 2, or to resolve an inconsistency relating to that information, or to increase the effectiveness or efficiency of safeguards at facilities or parts thereof in the United Kingdom designated pursuant to Article 78(a) of the Safeguards Agreement.

(ii) Any location referred to in Article 5.c., where such access will contribute to increasing the Agency's capability to detect undeclared nuclear material and activities in a NNWS.

- (iii) Any location referred to in Article 5.a.(iii) to the extent necessary for the Agency to confirm, for safeguards purposes, the Community's declaration of the decommissioned status of a facility or part thereof which was designated pursuant to Article 78(a) of the Safeguards Agreement.
- (b) (i) Except as provided in paragraph (ii) below, the Agency shall give the United Kingdom or, for access under Article 5.a. or otherwise involving nuclear material, the United Kingdom and the Community, advance notice of access of at least 24 hours;
- (ii) For access to any location identified under Article 2 on a site that is sought in conjunction with design information verification visits or ad hoc or routine inspections on that site, the period of advance notice shall, if the Agency so requests, be at least two hours but, in exceptional circumstances, it may be less than two hours.
- (c) Advance notice shall be in writing and shall specify the reasons for access and the activities to be carried out during such access.
- (d) In the case of a question or inconsistency, the Agency shall provide the United Kingdom and, as appropriate, the Community with an opportunity to clarify and facilitate the resolution of the question or inconsistency. Such an opportunity will be provided before a request for access, unless the Agency considers that delay in access would prejudice the purpose for which the access is sought. In any event, the Agency shall not draw any conclusions about the question or inconsistency until the United Kingdom and as appropriate the Community, have been provided with such an opportunity.
- (e) Unless otherwise agreed to by the United Kingdom access shall only take place during regular working hours.
- (f) The United Kingdom, or for access under Article 5.a. or otherwise involving nuclear material, the United Kingdom and the Community, shall have the right to have Agency inspectors accompanied during their access by representatives of the United Kingdom, and, as appropriate, by Community inspectors, provided that Agency inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

## Article 5

The United Kingdom shall provide the Agency with access to:

- a. (i) Any place in a facility or part thereof in the United Kingdom designated pursuant to Article 78(a) of the Safeguards Agreement;

(ii) Any location identified under Article 2.a.(iv) - (vii);

(iii) Any decommissioned facility or part thereof which was designated pursuant to Article 78(a) of the Safeguards Agreement.

(b) Any location identified by the United Kingdom under Article 2.a.(i), Article 2.a.(iii), Article 2.a.(viii)(b) or Article 2.b., other than those referred to in paragraph a.(i) above, provided that if the United Kingdom is unable to provide such access, the United Kingdom shall make every reasonable effort to satisfy Agency requirements, without delay, through other means.

(c) Any location specified by the Agency, other than locations referred to in paragraphs a. and b. above, to carry out location-specific environmental sampling, provided that if the United Kingdom is unable to provide such access, the United Kingdom shall make every reasonable effort to satisfy Agency requirements, without delay, at adjacent locations or through other means.

## Article 6

When implementing Article 5, the Agency may carry out the following activities:

(a) For access in accordance with Article 5.a.(i) or (iii): visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; application of seals and other identifying and tamper indicating devices specified in Subsidiary Arrangements; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board of Governors (hereinafter referred to as the "Board") and following consultations between the Agency, the Community and the United Kingdom.

(b) For access in accordance with Article 5.a.(ii): visual observation; item counting of nuclear material; non-destructive measurements and sampling; utilization of radiation detection and measurement devices; examination of records relevant to the quantities, origin and disposition of the material; collection of environmental samples; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency, the Community and the United Kingdom.

(c) For access in accordance with Article 5.b.: visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; examination of safeguards relevant production and shipping records; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency, the United Kingdom and, as appropriate, the Community.

(d) For access in accordance with Article 5.c., collection of environmental samples and, in the event the results do not resolve the question or inconsistency at the location specified by the Agency pursuant to Article 5.c. utilization at that location of visual observation, radiation detection and measurement devices, and, as agreed by the United Kingdom and, as appropriate, the Community, and the Agency, other objective measures.

#### Article 7

(a) Upon request by the United Kingdom, the United Kingdom and the Agency shall make arrangements for managed access under this Protocol in order to prevent the dissemination of proliferation sensitive information, to meet safety or physical protection requirements, or to protect proprietary or commercially sensitive information. Such arrangements shall not preclude the Agency from conducting activities necessary to resolve a question relating to the correctness and completeness of the information referred in Article 2 or an inconsistency relating to that information.

(b) The United Kingdom may, when providing the information referred to in Article 2, inform the Agency of the places at a site or location at which managed access may be applicable.

(c) Pending the entry into force of any necessary Subsidiary Arrangements, the United Kingdom may have recourse to managed access consistent with the provisions of paragraph a. above.

#### Article 8

Nothing in this Protocol shall preclude the United Kingdom from offering the Agency access to locations in addition to those referred to in Articles 5 and 9 or from requesting the Agency to conduct verification activities at a particular location. The Agency shall, without delay, make every reasonable effort to act upon such a request.

#### Article 9

The United Kingdom shall provide the Agency with access to locations specified by the Agency to carry out wide-area environmental sampling, where such access will contribute to increasing the Agency's capability to detect undeclared nuclear activities in a NNWS, provided that if the United Kingdom is unable to provide such access it shall make every reasonable effort to satisfy Agency requirements at alternative locations. The Agency shall not seek such access until the use of wide-area environmental sampling and the procedural arrangements therefore have been approved by the Board and following consultations between the Agency and the United Kingdom.

## Article 10

(a) The Agency shall inform the United Kingdom and, as appropriate, the Community of:

(i) The activities carried out under this Protocol, including those in respect of any questions or inconsistencies the Agency had brought to the attention of the United Kingdom and, as appropriate, the Community, within sixty days of the activities being carried out by the Agency.

(ii) The results of activities in respect of any questions or inconsistencies the Agency had brought to the attention of the United Kingdom and, as appropriate, the Community, as soon as possible but in any case within thirty days of the results being established by the Agency.

(b) The Agency shall inform the United Kingdom and the Community of the conclusions it has drawn from its activities under this Protocol. The conclusions shall be provided annually.

## **DESIGNATION OF AGENCY INSPECTORS**

### Article 11

a. (i) The Director General shall notify the Community and the United Kingdom of the Board's approval of any Agency official as a safeguards inspector. Unless the Community or the United Kingdom advises the Director General of the rejection of such an official as an inspector for the United Kingdom within three months of receipt of notification of the Board's approval, the inspector so notified to the Community and the United Kingdom shall be considered designated to the United Kingdom;

(ii) The Director General, acting in response to a request by the Community or the United Kingdom or on his own initiative, shall immediately inform the Community and the United Kingdom of the withdrawal of the designation of any official as an inspector for the United Kingdom.

b. A notification referred to in paragraph a. above shall be deemed to be received by the Community and the United Kingdom seven days after the date of the transmission by registered mail of the notification by the Agency to the Community and the United Kingdom.

## **VISAS**

### **Article 12**

The United Kingdom shall, within one month of the receipt of a request therefor, provide the designated inspector specified in the request with appropriate multiple entry/exit visas, where required, to enable the inspector to enter and remain on the territory of the United Kingdom for the purpose of carrying out his/her functions. Any visas required shall be valid for at least one year and shall be renewed, as required, to cover the duration of the inspector's designation to the United Kingdom.

## **SUBSIDIARY ARRANGEMENTS**

### **Article 13**

(a) Where the United Kingdom, or the United Kingdom and the Community, or the Agency indicate that it is necessary to specify in Subsidiary Arrangements how measures laid down in this Protocol are to be applied, the United Kingdom or the United Kingdom and the Community and the Agency shall agree on such Subsidiary Arrangements within ninety days of the entry into force of this Protocol or, where the indication of the need for such Subsidiary Arrangements is made after the entry into force of this Protocol, within ninety days of the date of such indication.

(b) Pending the entry into force of any necessary Subsidiary Arrangements, the Agency shall be entitled to apply the measures laid down in this Protocol.

## **COMMUNICATIONS SYSTEMS**

### **Article 14**

(a) The United Kingdom shall permit and protect free communications by the Agency for official purposes between Agency inspectors in the United Kingdom and Agency Headquarters and/or Regional Offices, including attended and unattended transmission of information generated by Agency containment and/or surveillance or measurement devices. The Agency shall have, in consultation with the United Kingdom, the right to make use of internationally established systems of direct communications, including satellite systems and other forms of telecommunication, not in use in the United Kingdom. At the request of the United Kingdom, or the Agency, details of the implementation of this paragraph with respect to the attended or unattended transmission of information generated by Agency containment and/or surveillance or measurement devices shall be specified in the Subsidiary Arrangements.

(b) Communication and transmission of information as provided for in paragraph a. above shall take due account of the need to protect proprietary or commercially sensitive information or design information which the United Kingdom regards as being of particular sensitivity.

## **PROTECTION OF CONFIDENTIAL INFORMATION**

### **Article 15**

(a) The Agency shall maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge, including such information coming to the Agency's knowledge in the implementation of this Protocol.

(b) The regime referred to in paragraph a. above shall include, among others, provisions relating to:

(i) General principles and associated measures for the handling of confidential information;

(ii) Conditions of staff employment relating to the protection of confidential information;

(iii) Procedures in cases of breaches or alleged breaches of confidentiality.

(c) The regime referred to in paragraph a. above shall be approved and periodically reviewed by the Board.

## **ANNEXES**

### **Article 16**

(a) The Annexes to this Protocol shall be an integral part thereof. Except for the purposes of amendment of Annexes I and II, the term "Protocol" as used in this instrument means this Protocol and the Annexes together.

(b) The list of activities specified in Annex I, and the list of equipment and material specified in Annex II, may be amended by the Board upon the advice of an open-ended working group of experts established by the Board. Any such amendment shall take effect four months after its adoption by the Board.

(c) Annex III to this Protocol specifies how measures in this Protocol shall be implemented by the Community and the United Kingdom.

## **ENTRY INTO FORCE**

### Article 17

(a) This Protocol shall enter into force on the date on which the Agency receives from both the United Kingdom and Community written notification that their respective internal requirements for entry into force have been met.

(b) The United Kingdom and the Community may, at any date before this Protocol enters into force, declare that they will apply this Protocol provisionally.

(c) The Director General shall promptly inform all Member States of the Agency of any declaration of provisional application of, and of the entry into force of, this Protocol.

## **DEFINITIONS**

### Article 18

For the purpose of this Protocol:

(a) *Nuclear fuel cycle-related research and development activities* means those activities which are specifically related to any process or system development aspect of any of the following:

- conversion of nuclear material,
- enrichment of nuclear material,
- nuclear fuel fabrication,
- reactors,
- critical facilities,
- reprocessing of nuclear fuel,
- processing (not including repackaging or conditioning not involving the separation of elements, for storage or disposal) of intermediate or high level waste containing plutonium, high enriched uranium or uranium-233, but do not include activities related to theoretical or basic scientific research or to research and development on industrial radioisotope applications, medical, hydrological and agricultural applications, health and environmental effects and improved maintenance.

(b) *Site* means that area delimited by the United Kingdom and the Community in the relevant design information for a facility or part thereof in the United Kingdom including a closed-down facility or part thereof, designated pursuant to Article 78(a) of the Safeguards Agreement.

(c) *Decommissioned facility* means such an installation or part thereof which was designated pursuant to Article 78(a) of the Safeguards Agreement at which residual structures and equipment essential for its use have been removed or rendered inoperable so that it is not used to store and can no longer be used to handle, process or utilize nuclear material.

(d) *Closed-down facility* means such an installation or part thereof which was designated pursuant to Article 78(a) of the Safeguards Agreement where operations have been stopped and the nuclear material removed but which has not been decommissioned.

(e) *High enriched uranium* means uranium containing 20 percent or more of the isotope uranium-235.

(f) *Location-specific environmental sampling* means the collection of environmental samples (e.g., air, water, vegetation, soil, smears) at, and in the immediate vicinity of, a location specified by the Agency for the purpose of assisting the Agency to draw conclusions about the absence of undeclared nuclear material or nuclear activities in a NNWS.

(g) *Wide-area environmental sampling* means the collection of environmental samples (e.g., air, water, vegetation, soil, smears) at a set of locations specified by the Agency for the purpose of assisting the Agency to draw conclusions about the absence of undeclared nuclear material or nuclear activities in a NNWS.

(h) *Nuclear material* means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute of the Agency after the entry into force of this Protocol which adds to the materials considered to be source material or special fissionable material shall have effect under this Protocol only upon acceptance by the United Kingdom and the Community.

(i) *Facility* means:

(i) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation;  
or

- (ii) Any location where nuclear material in amounts greater than one effective kilogram is customarily used.
- (j) *Community* means both:
- (i) The legal person created by the Treaty establishing the European Atomic Energy Community (EURATOM), Party to this Protocol; and
  - (ii) The territories to which the EURATOM Treaty applies.

Done at Vienna in duplicate, on the 22nd day of September 1998 in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, the texts of which are equally authentic except that, in case of divergence, those texts concluded in the official languages of the IAEA Board of Governors shall prevail.









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