
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the requirements of Chapter VIII in the Annex to the Convention for the Safety of Life at Sea, 1974 (“the Convention”), which contains the safety requirements for merchant nuclear powered ships (“nuclear ships”). Chapter VIII is supplemented by the Code of Safety for Nuclear Merchant Ships (“the Nuclear Code”), which was adopted by the International Maritime Organization (IMO) in Resolution A.491(XII) on 19th November 1981. Although the Nuclear Code is not part of the Convention, or made mandatory by it, Member States were invited to give effect to it in national legislation. These Regulations give effect to the Nuclear Code.

Except with very limited exceptions, these Regulations apply to all United Kingdom commercially operated nuclear ships and non-United Kingdom commercially operated nuclear ships in United Kingdom waters, including ships from States which are not parties to the Convention.

All future amendments to the provisions of Chapter VIII referred to in these Regulations will be automatically incorporated into the Regulations by way of the ambulatory reference provision in regulation 4, as well as references that are made to certain provisions in Chapter I of the Convention (general provisions). Future amendments to the Nuclear Code may be specified by the Secretary of State in a Merchant Shipping Notice in order to bring the Nuclear Code requirements referred to in these Regulations up to date.

The Regulations provide for the approval of equivalents (regulation 5) and the approval of matters in the Nuclear Code requiring the approval of the Administration (regulation 6). The Convention prohibits an Administration from granting a nuclear ship an exemption from any of the requirements and consequently no provision for exemptions is made.

Part 2 makes provision for the special requirements that apply to nuclear ships, including the requirements for a safety assessment prior to the construction of a nuclear ship (regulation 7).

Part 3 makes provision for the particular operating requirements that apply to nuclear ships, including special requirements for the manning and training of crew on nuclear ships (regulation 18).

Part 4 makes provision for the survey and certification of United Kingdom nuclear ships (regulations 20 and 21), with provision for arbitration as a dispute mechanism in regulation 26. Regulation 23 places responsibility on the owner and master to operate a United Kingdom ship safely and regulations 24 and 25 provide for the suspension or cancellation of a nuclear ship safety certificate issued to a United Kingdom ship. Regulation 27 prohibits a nuclear ship from proceeding to sea or on any voyage without the appropriate certificate.

Part 5 contains miscellaneous requirements for nuclear ships. Regulation 28 makes provision for a quality assurance programme, regulation 29 provides for the decommissioning of nuclear ships and regulation 30 specifies the action that the master must take in the event of the loss of a nuclear ship.

The Regulations also provide for offences and penalties in the event of a contravention of the requirements of the Regulations (regulation 31). Regulation 32 makes provision for the special control of nuclear ships, enabling port State control officers to check, amongst other things, for unreasonable radiation or other hazards. In cases of non-compliance with the Regulations, a ship may also be detained (regulation 33).

Regulation 34 requires the Secretary of State to review the operation and effect of these Regulations and publish a report before 8th December 2027 and at intervals not exceeding five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should

Status: This is the original version (as it was originally made).

remain as they are, or be amended or revoked. A further instrument would be needed to amend or revoke the Regulations.

Marine Guidance Note 679 (M) also provides guidance on how the Secretary of State will exercise discretion where the Nuclear Code permits this. Marine Guidance Note 679 (M) is available from the Maritime and Coastguard Agency (MCA) of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk) and on <https://www.gov.uk/topic/ships-cargoes/m-notices>. Merchant Shipping Notice M.1613 is also available at the same link and from the MCA.

The Convention and its Protocol of 1988 may be obtained in copy from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR and both are available on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). The text of the IMO Resolutions amending the Convention and Protocol may be obtained from the IMO or found on the FCDO treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>).

Future amendments to the Convention and to the Protocol may be obtained in copy from the IMO and, after coming into force in the United Kingdom, found on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/>). Until such publication is made on the FCDO treaties database, an amendment will be available from the MCA and on <https://www.gov.uk>. An amendment will be publicised in advance of its in-force date by means of a Parliamentary Statement to both Houses of Parliament and by way of a Marine Guidance Note, which will be available in copy from the MCA and on <https://www.gov.uk>.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk.