
STATUTORY INSTRUMENTS

2022 No. 1169

The Merchant Shipping (Nuclear Ships) Regulations 2022

PART 4

Survey and certification of nuclear ships

Surveys of United Kingdom nuclear ships

20.—(1) A United Kingdom nuclear ship must comply with the following requirements in Chapter 8 of the Nuclear Code (surveys)—

- (a) paragraph 8.1.6 (survey period and methods etc.);
- (b) paragraph 8.1.7 (specification of surveys etc.);
- (c) paragraph 8.1.8 (safety and decontamination measures during surveys).

(2) A United Kingdom nuclear ship that is in its construction phase, must be subjected to the survey described in paragraph 8.2 in Chapter 8 of the Nuclear Code (survey during construction).

(3) A United Kingdom ship that is in its trial phase, must be subjected to the survey described in paragraph 8.3 in Chapter 8 of the Nuclear Code (survey during trials).

(4) Before commencing the operations phase, a United Kingdom nuclear ship must be subjected to an initial survey.

(5) The initial survey must—

- (a) include an inspection to check compliance with these Regulations;
- (b) address any special requirements contained in the safety assessment required by regulation 7 (safety assessment) and in the operating manual required by regulation 14 (operating manual); and
- (c) assess the nuclear ship against the requirements of the following provisions in Chapter I that apply to the particular ship being surveyed—
 - (i) regulation 7 (surveys of passenger ships);
 - (ii) regulation 8 (surveys of life-saving appliances and other equipment of cargo ships);
 - (iii) regulation 9 (surveys of radio installations of cargo ships);
 - (iv) regulation 10 (surveys of structure, machinery and equipment of cargo ships).

(6) A United Kingdom nuclear ship must be subjected to a renewal survey before the end of every period of 12 months following the issue of the ship's Nuclear Ship Safety Certificate, or the renewal of it, and the renewal survey must include the matters referred to in the specification of the initial survey in paragraph (5).

(7) Notwithstanding the requirement for a renewal survey in paragraph (6), and subject to paragraph (8), a United Kingdom nuclear ship must be subjected to the additional surveys, and at the frequencies specified, in paragraph 8.4 in Chapter 8 of the Nuclear Code (survey during operational phase).

(8) A United Kingdom nuclear ship may be subjected to continuous surveys in accordance with paragraph 8.4.3.5 in Chapter 8 of the Nuclear Code—

- (a) at the request of the Secretary of State; or
- (b) with the approval of the Secretary of State,

in place of the periodical surveys required by paragraphs 8.4.3.1 to 8.4.3.4 in Chapter 8 of the Nuclear Code (surveys of the nuclear steam supply system and supporting hull structure).

(9) Notwithstanding the requirements of paragraphs (6) to (8), a United Kingdom nuclear ship must be subjected to the special surveys described in paragraph 8.5 in Chapter 8 of the Nuclear Code (special surveys, repairs, renewals and modifications).

(10) The requirement for a survey under paragraphs (2) to (4) and (6) to (9) is subject to the presence of potentially harmful levels of radiation on the ship.

(11) The results of all surveys and tests must be—

- (a) recorded in a legible form and be capable of being used for subsequent reference;
- (b) contain the information specified in paragraph 8.1.9 in Chapter 8 of the Nuclear Code (results of surveys and tests);
- (c) kept in copy on board the nuclear ship;
- (d) sent, in the form of a copy, to the Secretary of State on request;
- (e) readily available for examination at all times.

(12) The Secretary of State may determine how and where the information referred to in paragraph (11) is to be kept for the lifetime of the nuclear ship or its reactor installation, as applicable.

(13) For the purposes of this regulation, “construction phase”, “operations phase” and “trial phase” have the meanings given to them in paragraph 8.1.2 in Chapter 8 of the Nuclear Code (phases of ship’s life cycle).

Certification of nuclear ships

21.—(1) Subject to payment of the prescribed fee for a survey and on being notified that the surveyor—

- (a) has carried out an initial survey or a renewal survey in respect of a United Kingdom nuclear ship in accordance with the requirements of regulation 20 (surveys of United Kingdom nuclear ships); and
- (b) is satisfied at the date of the survey that the ship complies with each requirement of these Regulations, paragraphs (b) or (c) of regulation 10 of Chapter VIII (certificates) as the case may be, and the Nuclear Code applicable to it,

a Certifying Authority must issue a Nuclear Ship Safety Certificate in respect of that ship.

(2) A certificate issued under paragraph (1) must contain the statement required by paragraph (d) in regulation 10 of Chapter VIII (statement of convention compliance).

(3) The following certificates must be held on board a nuclear ship—

- (a) in the case of a United Kingdom nuclear ship or a non-United Kingdom nuclear ship flying the flag of a Convention country, a valid Nuclear Ship Safety Certificate;
- (b) in the case of a non-United Kingdom nuclear ship flying the flag of a State which is not a Convention country, a valid certificate issued in accordance with the requirements of that country for the purpose of operating as a nuclear ship.

(4) A certificate mentioned in paragraph (3)(a) or (b) must be readily available for examination at all times.

Duration and validity of a Nuclear Ship Safety Certificate

22.—(1) Subject to paragraph (2), a Nuclear Ship Safety Certificate must be issued, extended or further extended, as the case may be, for a period of validity of not more than one year.

(2) Where a Nuclear Ship Safety Certificate has been issued, extended or further extended for a period of less than one year and any survey required under regulation 20 (surveys of United Kingdom nuclear ships) has been satisfactorily completed, the Certifying Authority may extend the validity of the certificate so that the certificate is valid for a maximum period of one year.

Responsibilities of owner and master

23.—(1) The owner and master of a nuclear ship must ensure that—

- (a) the ship and its equipment are maintained so that the ship in all respects remains fit to operate without danger to the ship or persons on board;
- (b) in the case of a United Kingdom nuclear ship, after a survey of the ship required by regulation 20 (surveys of United Kingdom nuclear ships) has been completed, no change is made in the structural arrangements, machinery, equipment or other items covered by the survey, without the approval of the Certifying Authority;
- (c) whenever an accident occurs to the ship or a defect is discovered, either of which affects the safety of the ship, it is reported at the earliest opportunity—
 - (i) in the case of a United Kingdom nuclear ship—
 - (aa) to the Certifying Authority and the Secretary of State; and
 - (bb) if the ship is in a port outside the United Kingdom, to the appropriate authorities of the country in which the port is situated; and
 - (ii) in the case of a non-United Kingdom ship, to the Secretary of State or a proper officer⁽¹⁾.

(2) If a report is made under paragraph (1)(c)(i)(aa) or paragraph (1)(c)(ii), the Certifying Authority, Secretary of State or proper officer, as the case may be, must determine whether a survey is necessary, and, if so, require one to be carried out.

(3) If the survey referred to in paragraph (2) shows that repairs are required, or if any important repairs or renewals are otherwise made to the ship or its equipment, a further survey must be carried out on the completion of those repairs or renewals.

Procedure to be adopted when a United Kingdom nuclear ship is deficient

24.—(1) Where a surveyor determines that the condition of a United Kingdom nuclear ship—

- (a) does not correspond substantially with the particulars on the Nuclear Ship Safety Certificate issued in respect of the ship; or
- (b) is such that the ship is not fit to proceed to sea without danger to the ship or to persons on board,

the surveyor must advise the owner or master of the corrective action which, in the surveyor's opinion, is required and must notify the Certifying Authority.

(2) If such corrective action is not taken within such reasonable period as a surveyor may specify, the surveyor, or the Certifying Authority, must notify the Secretary of State in writing who may suspend the validity of the Nuclear Ship Safety Certificate issued in respect of that ship until the corrective action has been taken.

(1) "Proper officer" is defined in section 313(1) of the Merchant Shipping Act 1995 and means, in the United Kingdom, a consular officer.

(3) Where the Secretary of State suspends the validity of the Nuclear Ship Safety Certificate issued in respect of a United Kingdom nuclear ship or reinstates the validity of the certificate, the Secretary of State must give notice in writing of such suspension or reinstatement to the owner and the surveyor and also to the Certifying Authority, who in turn must give notice to the master.

(4) The requirement that each notification under paragraphs (2) and (3) be in writing is satisfied where the text of the notification is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

Cancellation of Nuclear Ship Safety Certificate

25.—(1) The Secretary of State may cancel a Nuclear Ship Safety Certificate issued in respect of a United Kingdom ship where there is reason to believe that—

- (a) the certificate was issued on the basis of false or erroneous information; or
- (b) since any survey required by these Regulations, the structure, equipment or machinery has sustained damage or is otherwise deficient.

(2) The Secretary of State may require a Nuclear Ship Safety Certificate that has been—

- (a) cancelled under paragraph (1); or
- (b) issued in respect of a United Kingdom ship but which has expired,

to be surrendered.

(3) No person must—

- (a) intentionally alter a Nuclear Ship Safety Certificate;
- (b) intentionally make a false Nuclear Ship Safety Certificate;
- (c) in connection with a survey referred to in regulation 20 (surveys of United Kingdom nuclear ships), knowingly or recklessly furnish false information;
- (d) with intent to deceive, use, lend, or allow to be used by another, a Nuclear Ship Safety Certificate; or
- (e) fail to surrender a Nuclear Ship Safety Certificate required to be surrendered under paragraph (2).

Arbitration

26.—(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a United Kingdom nuclear ship, that person may serve a written notice on the responsible person within 21 days of receiving notice of that outcome—

- (a) stating that there is a dispute in relation to the survey; and
- (b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraphs (3), (4) and (6), an arbitrator referred to in paragraph (1) must be appointed by agreement between the parties.

(3) In default of agreement between the parties, the arbitrator is such person as may be appointed by the President or Vice President of the Chartered Institute of Arbitrators following a request by—

- (a) a party, after giving written notice to the other party; or
- (b) the parties jointly,

but this paragraph does not apply in Scotland.

- (4) No person is to be an arbitrator under this regulation unless that person is—
- (a) a person who holds a certificate of competency as a Class 1 Deck Officer or Class 1 Marine Engineer Officer, or a certificate of competency which is equivalent to such a certificate;
 - (b) a naval architect;
 - (c) a qualified person;
 - (d) a person with experience of shipping matters; or
 - (e) a Member of the Chartered Institute of Arbitrators.
- (5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 259 of the Merchant Shipping Act 1995.
- (6) In the application of this regulation to Scotland—
- (a) any reference to an arbitrator is to be construed as a reference to an arbiter; and
 - (b) the reference in paragraph (2) to an arbitrator appointed by agreement between the parties is to be construed as a reference to a single arbiter so appointed or, in default of agreement, appointed by a sheriff.
- (7) The rules for arbitration set out in Merchant Shipping Notice M.1613(2) apply unless alternative arrangements are agreed between the applicant and the Secretary of State before the commencement of arbitration proceedings.
- (8) In this regulation—
- “applicant” means a person who makes an application for a survey required by these Regulations;
- “the parties” means the applicant and the responsible person, and “party” is to be construed accordingly;
- “qualified person” means—
- (a) a person who satisfies the judicial-appointment eligibility on a 7-year basis within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007(3);
 - (b) a person who is an advocate or solicitor in Scotland of at least 7 years’ standing; or
 - (c) a person who is a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing;
- “responsible person” means the Certifying Authority responsible for the issue of the Nuclear Ship Safety Certificate in connection with which a survey required by these Regulations is carried out.

Prohibition on proceeding on any voyage without the appropriate certificate

27. A nuclear ship must not proceed on any voyage unless it has been surveyed and there is in force—
- (a) in the case of a United Kingdom nuclear ship or a non-United Kingdom nuclear ship flying the flag of a Convention country, a Nuclear Ship Safety Certificate;
 - (b) in the case of a non-United Kingdom nuclear ship flying the flag of a State which is not a Convention country, a certificate issued in accordance with the requirements of that country for the purpose of operating as a nuclear ship.

(2) Merchant Shipping Notice M.1613 can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/282032/msn1613.pdf and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>, or obtained in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(3) 2007 c. 15.

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