

SCHEDULE 1

Regulation 10

Procedures

Applications

1.—(1) When a competent authority receives an application to import radioactive waste or spent fuel into the United Kingdom, it must act in accordance with paragraph 2 of this Schedule.

(2) When a competent authority receives an application for the transit of radioactive waste or spent fuel through the United Kingdom, it must act in accordance with paragraph 3 of this Schedule.

(3) When a competent authority receives an application to export radioactive waste or spent fuel out of the United Kingdom, it must act in accordance with paragraph 4 of this Schedule.

(4) In the case of an application for an authorisation that relates to a shipment to or from a site licensed under the Nuclear Installations Act 1965⁽¹⁾ the competent authority must not grant authorisation unless it has first consulted the Office for Nuclear Regulation.

Imports into the United Kingdom

2.—(1) Where radioactive waste or spent fuel is to be imported into the United Kingdom from another country, the consignee must submit an application for authorisation to the competent authority.

(2) The application may be sent in respect of more than one shipment, where the conditions set out in regulation 5(1) are met.

(3) The application must include evidence that the consignee has made an arrangement with the holder in the country of origin, and which has been accepted by the competent authority of that country, obliging that holder to take back the radioactive waste or spent fuel where a shipment cannot be completed in accordance with these Regulations.

(4) If all the relevant requirements of these Regulations are satisfied, the competent authority may authorise the consignee to carry out the shipment and must inform the competent authority in the country of origin and of any country of transit accordingly.

(5) When a person receiving a shipment from outside the United Kingdom notifies the competent authority of its receipt under regulation 7(1), the competent authority must send copies of the acknowledgement to the competent authority of the country of origin and of any country of transit.

Transit through the United Kingdom

3.—(1) Where radioactive waste or spent fuel is to be shipped into the United Kingdom from another country and the country of destination is not the United Kingdom, the natural or legal person responsible for managing the shipment within the United Kingdom must submit an application for authorisation to the competent authority.

(2) The application may be submitted in respect of more than one shipment, where the conditions set out in regulation 5(1) are met.

(3) The application must include evidence that the consignee in the country of destination has made an arrangement with the holder in the country of origin, and accepted by the competent authority of the country of origin, obliging that holder to take back the radioactive waste or spent fuel where a shipment cannot be completed in accordance with these Regulations.

(1) 1965 c. 57.

(4) If all the relevant requirements of these Regulations are satisfied, the competent authority may authorise the person responsible referred to in sub-paragraph (1) to carry out the shipment and must inform the competent authority of the country of origin and of any other country of transit.

Exports from the United Kingdom

4.—(1) Where radioactive waste or spent fuel is to be exported from the United Kingdom to another country, the holder must submit an application for authorisation to the competent authority.

(2) The application may be sent in respect of more than one shipment, where the conditions set out in regulation 5(1) are met.

(3) The competent authority must notify the competent authority of the country of destination and of any country of transit of the planned shipment and ask for their consent.

(4) If the relevant requirements of these Regulations are satisfied and the consents necessary for the shipment have been given, the competent authority may authorise the holder to carry out the shipment and must inform the competent authority of the country of destination and of any country of transit accordingly.

Acknowledgement of receipt and request for information

5.—(1) Within 20 days following the receipt of an application under paragraphs 2, 3 or 4 of this Schedule, the competent authority must verify to the applicant that the application has been duly completed or, if not, request further information pursuant to sub-paragraph (2).

(2) If the application has not been duly completed, the competent authority may request any missing information from the applicant.

(3) The right to request missing information under sub-paragraph (2) does not affect the right of the competent authority to request further information from the competent authority in the country of origin under paragraph 6(1)(b).

(4) The competent authority must determine an application for authorisation under paragraphs 2, 3 or 4 of this Schedule within 2 months of the date that the competent authority verifies that the application has been duly completed unless a longer period is agreed between the competent authority and the person applying for the authorisation.

Import of radioactive waste and spent fuel into the UK: Consent and refusal

6.—(1) Where the competent authority receives a request for consent to import radioactive waste or spent fuel into the United Kingdom from a competent authority in another country, the following provisions apply:

- (a) the competent authority must acknowledge receipt of the request for consent within 20 days of its receipt;
- (b) in relation to such a request for consent, the competent authority may ask for further information from the competent authority in the country of origin and inform any other competent authorities involved that this has occurred;
- (c) not later than 10 days after the date of receipt of any further information obtained pursuant to sub-paragraph (1)(b) the competent authority must send an acknowledgement of receipt of the further information to the competent authority in the country of origin and copy it to any other competent authorities involved.

(2) Not later than 2 months from the date of any acknowledgement of receipt issued pursuant to sub-paragraph (1)(a), or where applicable (1)(c), the competent authority must notify the competent authority in the country of origin of its consent, or of the conditions which it considers necessary for giving its consent, or of its refusal to grant consent.

(3) The period of 2 months referred to in sub-paragraph (2) may be extended if the competent authority has not yet determined an application by the proposed consignee for authorisation to import radioactive waste or spent fuel under paragraph 2 of this Schedule.

(4) The competent authority must give reasons for any refusal to grant consent, or for conditions attached to its consent, which must be based:

- (a) in relation to transit, on the relevant legislation applicable to the transport of radioactive material; or
- (b) in relation to import, on the relevant legislation applicable to the transport of radioactive material and any relevant legislation applicable to the management of radioactive waste or spent fuel.

(5) When a competent authority authorises a transit under paragraph 3 of this Schedule, it may not refuse to give consent to reshipment in the following cases:

- (a) where the initial consent concerned material being shipped for treatment or reprocessing purposes, if the shipment concerns radioactive waste or other products equivalent to the original material after treatment or reprocessing, and all relevant legislation is respected; or
- (b) where there has been a shipment failure, if the reshipment is undertaken on the same conditions and with the same specifications.

SCHEDULE 2

Regulation 14

Notices

Information notice

1. An authorised officer may, by notice served on any person, require that person to provide to the competent authority such information as is specified in the notice in such form and within such period following service of the notice or at such time as is so specified.

Enforcement and prohibition notice

2.—(1) An authorised officer may serve a notice on any person who contravenes or who the authorised officer has reasonable grounds to suspect may contravene these Regulations—

- (a) requiring that person to act in accordance with the Regulations (in this Schedule referred to as an “enforcement notice”); or
- (b) prohibiting that person from acting in breach of them (in this Schedule referred to as a “prohibition notice”).

(2) The notice must give reasons for serving it and, if appropriate, specify what action must be taken and give time limits for taking that action.

Appeals against enforcement and prohibition

3.—(1) Any person served with an enforcement or prohibition notice may appeal to—

- (a) in England, the Secretary of State;
- (b) in Scotland, the Scottish Ministers;
- (c) in Wales, the Welsh Ministers;
- (d) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs..

(2) An enforcement or prohibition notice must state—

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) Regulations 2019 No. 156*

- (a) the right of appeal; and
 - (b) the period in which the appeal may be brought.
- (3) The period within which an appeal may be brought is 28 days or, in the case of an enforcement notice, the period specified in the notice, whichever ends earlier.
- (4) The appellant body may cancel the notice or confirm it, with or without modifications.