

2000 No. 3216

**MARINE POLLUTION
MERCHANT SHIPPING
SAFETY**

**The Merchant Shipping (Carriage of Packaged Irradiated
Nuclear Fuel etc.) (INF Code) Regulations 2000**

Made - - - - - 7th December 2000

Laid before Parliament 7th December 2000

Coming into force - - 1st January 2001

The Secretary of State for the Environment, Transport and the Regions, after consulting the persons referred to in section 86(4) of the Merchant Shipping Act 1995(a), in exercise of the powers conferred by:

- (a) section 85(1)(a) and (b), (3) and (5) to (7) of the Merchant Shipping Act 1995(b);
- (b) article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987(c);
- (c) article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1990(d);

and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuel etc.) (INF Code) Regulations 2000 and shall come into force on 1st January 2001.

Interpretation

2.—(1) In these Regulations:

“Certificate of Fitness” means the International Certificate of Fitness for the Carriage of INF Cargo, as provided for in the INF Code;

“high-level radioactive wastes” means liquid wastes resulting from the operation of the first stage extraction system or the concentrated wastes from subsequent extraction stages, in a facility for reprocessing irradiated nuclear fuel, or solids into which such liquid wastes have been converted;

“IMDG Code” means the 2000 Edition of the IMO International Maritime Dangerous Goods Code;

“IMO” means the International Maritime Organization;

(a) 1995 c. 21.

(b) Sections 85 and 86 were amended by section 8 of the Merchant Shipping and Maritime Security Act 1997 (c. 28), and are applied to hovercraft by the Hovercraft (Application of Enactments) Order 1989 (S.I. 1989/1350).

(c) S.I. 1987/470 amended by S.I. 1990/2595 and S.I. 1997/2569.

(d) S.I. 1990/2595.

“INF cargo” means packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes carried as cargo;

“INF Code” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships adopted on 27 May 1999 by the Maritime Safety Committee of the IMO by resolution MSC 88(71) and set out in the Annex thereto;

“irradiated nuclear fuel” means material containing uranium, thorium or plutonium isotopes which has been used to maintain a self-sustaining nuclear chain reaction;

“Merchant Shipping Notice” means a Notice described as such, issued by the Secretary of State and any reference to a particular Merchant Shipping Notice includes a reference to any Merchant Shipping Notice amending or replacing it which the Secretary of State considers relevant from time to time;

“operator” in relation to a ship includes any owner, charterer, manager and agent of the ship;

“packaged” means contained in packagings complying with the requirements of Class 7 of the IMDG Code, schedules 10, 11, 12, 13 or 14;

“plutonium” means the resultant mixture of isotopes of that material extracted from the reprocessing of irradiated nuclear fuel;

“The SOLAS Convention” means the Safety of Life at Sea Convention 1974 and its 1978 Protocol as amended;

“United Kingdom ship” means a ship or hovercraft which—

- (a) is registered under Part II of the Merchant Shipping Act 1995;
- (b) is registered under the Hovercraft Act 1968(a);
- (c) is a Government ship within the meaning of section 308(4) of the Merchant Shipping Act 1995 used for commercial purposes; or
- (d) is not registered under the law of any other country but is wholly owned by persons each of whom is—
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (ii) a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in the United Kingdom.

(2) For the purpose of these Regulations, “competent authority” means, in relation to United Kingdom ships, the Secretary of State, and in relation to other ships, the relevant maritime authority of the State whose flag the ship is entitled to fly.

(3) Any reference in these Regulations to the IMDG Code, INF Code or the SOLAS Convention shall include a reference to any document amending that publication which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice.

(4) In interpreting the INF Code—

- (a) the requirements of the INF Code having been made mandatory under regulation 4 below, the language thereof shall be construed accordingly, and in particular “should” shall be construed as “shall”;
- (b) references to the Administration shall, in relation to United Kingdom ships, be construed as references to the Secretary of State.

Application

3.—(1) Subject to paragraph (2) below, these Regulations apply to ships carrying INF cargo.

(2) The Regulations shall apply to—

- (a) United Kingdom ships wherever they may be; and
- (b) other ships which are in United Kingdom waters.

(3) In relation to hovercraft these Regulations shall have effect subject to the modification that for any reference to a ship or ships, there shall respectively be substituted a reference to a hovercraft or to hovercraft.

(a) 1968 c. 59.

Duty to comply with the INF Code

4.—(1) Every ship to which these Regulations apply shall be constructed, equipped, inspected and surveyed in accordance with the requirements of the INF Code.

(2) The operator and master shall ensure that a ship carrying INF cargo complies with the requirements of the INF Code.

(3) The Secretary of State shall, on the application of the operator of a ship registered in the United Kingdom, if he is satisfied that the ship complies with the requirements of the INF Code, issue to the operator a Certificate of Fitness certifying compliance with the INF Code.

Duty to hold a Certificate of Fitness

5. An operator or master shall not accept INF cargo for carriage in a ship which has not been issued with a Certificate of Fitness by the Secretary of State, as mentioned in regulation 4(3) above, or by the administration of the State whose flag the ship is entitled to fly.

Offences and penalties

6.—(1) If there is a breach of regulations 4(2) or 5, the operator and master shall each be guilty of an offence.

(2) A person who is guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

(3) It shall be a defence for a person charged under these Regulations to show that he took all reasonable steps to avoid the commission of the offence.

Power to detain

7. In any case where a ship does not comply with the requirements of these Regulations the ship shall be liable to be detained and section 284(a) of the Merchant Shipping Act 1995 (which relates to the detention of a ship) shall have effect in relation to the ship as if for the words “this Act”, wherever they appear in that section, there were substituted the words “the Merchant Shipping (Carriage of Packaged Irradiated Nuclear Fuels etc.) (INF Code) Regulations 2000”.

Offences due to the fault of another person

8. Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions

7th December 2000

Keith Hill
Parliamentary Under-Secretary of State
Department of the Environment, Transport and the Regions

(a) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997, Schedule 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement amendments to Chapter VII (Carriage of Dangerous Goods) of the International Convention on the Safety of Life at Sea 1974, as amended (SOLAS) adopted by the Maritime Safety Committee of the International Maritime Organization on 27 May 1999 at its 71st session by Resolution MSC 87(71). The purpose of these amendments is to give effect to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (“the INF Code”), which was adopted at the same session of the Maritime Safety Committee by Resolution 88(71). The text of the Code appears as an Annex to that Resolution.

The Regulations apply from 1 January 2001 to all ships, regardless of size, engaged in the carriage of packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes. Ships are required to hold a valid International Certificate of Fitness, which is issued in relation to United Kingdom ships by the Maritime and Coastguard Agency on behalf of the Secretary of State, certifying that they have been constructed to certain standards including such matters as strength and stability, fire protection, cargo securement and temperature control, and integrity of power supplies.

The INF Code and the Safety of Life at Sea Convention 1974 (SOLAS), its Protocol and amendments thereto may be obtained from the International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR (telephone 020-7735 7611).

Merchant Shipping Notices can be obtained from iForce Marketing Support Services, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesey, Surrey KT8 0BN (telephone 020-8957 5028).

A Regulatory Impact Assessment has been carried out and a copy placed in the library of both Houses of Parliament. Copies can be obtained from the Maritime Information Centre, Maritime and Coastguard Agency, Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 02380-329295).

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