
STATUTORY INSTRUMENTS

2003 No. 403

The Nuclear Industries Security Regulations 2003

PART 3

SECURITY OF TRANSPORT OF NUCLEAR MATERIAL

Requirement for Category I/II nuclear material and Category III nuclear material to be transported by approved carriers

- 13.**—(1) No person shall transport any Category I/II nuclear material unless—
- (a) he is a carrier who is for the time being approved by the Secretary of State as a Class A carrier to transport Category I/II nuclear material and Category III nuclear material, or
 - (b) he is doing so as an officer or employee of such a carrier.
- (2) No person shall transport any Category III nuclear material unless—
- (a) he is a carrier who is for the time being approved by the Secretary of State as a Class A carrier to transport Category I/II nuclear material and Category III nuclear material,
 - (b) he is a carrier who is for the time being approved by the Secretary of State as a Class B carrier to transport Category III nuclear material, or
 - (c) he is doing so as an officer or employee of a carrier falling within sub-paragraphs (a) or (b).
- (3) If the responsible person in relation to any nuclear premises arranges for the transport of any Category I/II nuclear material or Category III nuclear material to or from the premises, he must ensure that the transport is undertaken by a carrier who is not prohibited under this regulation from transporting the material in question.

Approval of carriers

- 14.**—(1) The Secretary of State may approve a carrier as an approved carrier only if she is satisfied that—
- (a) in the case of an approval as a Class A carrier, the carrier transports or proposes to transport Category I/II nuclear material in the course of his business,
 - (b) in the case of an approval as a Class B carrier, the carrier transports or proposes to transport Category III nuclear material in the course of his business,
 - (c) the carrier has provided the Secretary of State with—
 - (i) his telephone number, facsimile number and principal place of business,
 - (ii) the name, address, telephone number and facsimile number of an individual who will accept any written or oral communication from the Secretary of State under these Regulations on behalf of the carrier, and
 - (d) the carrier has submitted a transport security statement under regulation 16 that the Secretary of State has approved (as submitted or with such amendments as she has required), and he will comply with the standards, procedures and arrangements described in the approved transport security statement while he is approved.

(2) Where a carrier has applied to the Secretary of State for approval as an approved carrier, she must give him notice in writing of her decision and, if she has granted the application, of the date from which he is approved and whether he is approved as a Class A carrier or as a Class B carrier.

(3) If the Secretary of State proposes not to approve a carrier as an approved carrier, she must give him written notice of her proposal and of the reasons for it.

(4) The carrier may make representations to the Secretary of State within 28 days from the date on which the notice under paragraph (3) is given.

(5) The Secretary of State must take into account any such representations before reaching a decision whether to approve the carrier as an approved carrier.

(6) If the Secretary of State decides not to approve a carrier as an approved carrier, she must state the reasons for her decision when she gives him notice of the decision under paragraph (2).

(7) The Secretary of State's approval of a carrier as an approved carrier has effect for the period of five years from the date from which he is approved, unless it is revoked earlier under regulation 15.

Revocation of approval of carriers

15.—(1) The Secretary of State may revoke the approval of an approved carrier if he has requested that his approval be revoked or on any of the following grounds—

(a) that—

(i) in the case of a Class A carrier, he has ceased to carry on a business as a carrier of Category I/II nuclear material, or

(ii) in the case of a Class B carrier, he has ceased to carry on a business as a carrier of Category III nuclear material;

(b) that he has failed to comply with any obligation imposed on him under these Regulations;

(c) that he has supplied false or misleading information in his application for approval as an approved carrier or has failed to supply information that was material to the application; or

(d) that the Secretary of State is of the view that the approval should be revoked in the interests of ensuring the security of the Category I/II nuclear material or Category III nuclear material that the approved carrier might otherwise transport.

(2) If the Secretary of State proposes to revoke the approval of an approved carrier otherwise than pursuant to a request from him, she must give him written notice of her proposal and of the reasons for it.

(3) The approved carrier may make representations to the Secretary of State within 28 days from the date on which the notice under paragraph (2) is given.

(4) The Secretary of State must take into account any such representations before reaching a decision whether to revoke the approved carrier's approval.

(5) If the Secretary of State decides to revoke the approval of an approved carrier, she must give him written notice of her decision and of the reasons for it.

Transport security statements

16.—(1) A carrier applying for approval as a Class A carrier or Class B carrier under regulation 14 must submit with his application a transport security statement for approval by the Secretary of State.

(2) The transport security statement must describe in writing the standards, procedures and arrangements adopted or to be adopted by the carrier to ensure the security of—

(a) in the case of a carrier applying for approval as a Class A carrier, any Category I/II nuclear material or Category III nuclear material transported or to be transported by him,

- (b) in the case of a carrier applying for approval as a Class B carrier, any Category III nuclear material transported or to be transported by him, and
 - (c) in any case, any information which is or comes within his possession or control relating to the security of any nuclear premises or of any Category I/II nuclear material or Category III nuclear material transported or to be transported by him.
- (3) In particular, but without prejudice to the generality of paragraph (2), the statement must describe the standards, procedures and arrangements relating to—
- (a) the investigation and assessment by the Secretary of State of the suitability of relevant personnel of the carrier with a view to ensuring the security of—
 - (i) any Category I/II nuclear material or Category III nuclear material transported or to be transported by the carrier,
 - (ii) any information falling within paragraph (2)(c), and
 - (iii) any nuclear premises to or from which the carrier transports or is to transport any Category I/II nuclear material or Category III nuclear material, and any premises used or to be used for the purpose of the temporary storage of such material during the course of or incidental to its transport,
 - (b) the temporary storage of Category I/II nuclear material or Category III nuclear material during the course of or incidental to its transport, including the security of premises used for such storage, and
 - (c) the steps to be taken by the carrier or any person acting on his behalf if any event of a kind specified in regulation 18(5)(a), (b), (c), (f) or (i) that requires immediate action occurs, and the regular practice of the activities required in connection with those steps.
- (4) The Secretary of State may approve the statement as submitted or with such amendments as she may require.
- (5) An approved carrier may at any time submit to the Secretary of State for approval—
- (a) a fresh transport security statement, or
 - (b) proposals for amending his approved transport security statement.
- (6) The Secretary of State may approve the fresh statement or proposals as submitted or with such amendments as she may require.
- (7) On approving a fresh transport security statement for an approved carrier, the Secretary of State may revoke the approval of the former statement for the approved carrier.

Duties of approved carriers: general

- 17.—(1) An approved carrier must comply with the standards, procedures and arrangements described in his approved transport security statement.
- (2) An approved carrier must notify the Secretary of State of any change to the information referred to in regulation 14(1)(c)—
- (a) in the case of information referred to in regulation 14(1)(c)(i), within 7 days of the change occurring, and
 - (b) in the case of information referred to in regulation 14(1)(c)(ii), no later than the change occurs.
- (3) An approved carrier must ensure that each of his relevant personnel who—
- (a) is specified in his approved transport security statement as requiring investigation and assessment as mentioned in regulation 16(3)(a), or
 - (b) falls within a description of persons who are so specified,

is a person who has been approved by the Secretary of State as being of suitable character and integrity, having regard to the need to ensure the security of the material, information and premises mentioned in regulation 16(3)(a).

Reports by carriers

18.—(1) An approved carrier must report to the Secretary of State any event or matter of a kind specified in paragraph (5) as soon as practicable and in any event within 24 hours of its becoming known to him.

(2) If it is not reasonably practicable for him to make a written report within that period, he must make the report orally and confirm it in writing within 48 hours of the event or matter becoming known to him.

(3) In any other case the report must be made in writing.

(4) The report must specify the nature of the matter or event and, in the case of an event, the date and time it occurred and the apparent reason for it.

(5) The events and matters are—

- (a) any unauthorised incursion on to, interference with, or other incident affecting the security of any means of conveyance of Category I/II nuclear material or Category III nuclear material during the course of its transport or any attempted or suspected such incursion, interference or incident;
- (b) any unauthorised incursion on to premises where Category I/II nuclear material or Category III nuclear material is being stored temporarily during the course of or incidental to its transport or any attempted or suspected such incursion;
- (c) any incident occurring during the transport of Category I/II nuclear material or Category III nuclear material, or on premises where such material is being stored temporarily during the course of or incidental to its transport, involving an explosive or incendiary device or suspected such device, or a firearm or replica firearm;
- (d) any damage to the means of conveyance of Category I/II nuclear material or Category III nuclear material which might affect the security of that material;
- (e) any damage to any building or equipment on premises where Category I/II nuclear material or Category III nuclear material is being stored temporarily during the course of or incidental to its transport which might affect the security of the material;
- (f) any theft or attempted theft, or any loss or suspected loss, or any unauthorised movement of, or any interference with, Category I/II nuclear material or Category III nuclear material during transport;
- (g) any theft or attempted theft, or any loss or unauthorised disclosure, of information falling within regulation 16(2)(c), or any suspected such theft, loss or disclosure;
- (h) any unauthorised access to any such information or any attempt to gain such access;
- (i) any threat to do anything which would fall within any of sub-paragraphs (a) to (h);
- (j) any failure to comply with any of the standards, procedures and arrangements described in the approved carrier's approved transport security statement or the measures described in any approved transport plan required under regulation 19;
- (k) any other event or matter which might affect the security of—
 - (i) Category I/II nuclear material or Category III nuclear material being transported,
 - (ii) premises where Category I/II nuclear material or Category III nuclear material is being stored temporarily during the course of or incidental to its transport, or
 - (iii) any information falling within regulation 16(2)(c).

Duties relating to particular transports of Category I/II nuclear material

19.—(1) No Class A carrier shall transport any Category I/II nuclear material unless a transport plan relating to the particular transport by him has been approved by the Secretary of State.

(2) No less than one month before the proposed date on which the transport of any Category I/II nuclear material is to begin (whether or not the transport is to be undertaken in stages by more than one carrier), each Class A carrier who is to transport the material must submit a transport plan relating to the transport by him for the approval of the Secretary of State.

(3) The transport plan must describe in writing the measures to be adopted to ensure the security of the material during—

- (a) the course of the transport,
- (b) the loading or unloading of the material during the course of or incidental to the transport, and
- (c) any period of temporary storage during the course of or incidental to the transport.

(4) The Secretary of State may approve the transport plan as submitted or with such amendments as she may require.

(5) Before approving such a plan the Secretary of State must—

- (a) consult the responsible person in relation to any nuclear premises to or from which the material is to be transported and any other Class A carrier who is to undertake another stage of the transport of the material, and
- (b) consider any representations made by them.

(6) Each Class A carrier must ensure that any particular transport of Category I/II nuclear material by him conforms to the transport plan approved by the Secretary of State in relation to that transport.

(7) No less than 7 days before the proposed date on which any Class A carrier is to begin transporting any Category I/II nuclear material, he must give notice in writing to the Secretary of State of the dates on which the transport by him is to begin and end.

Duties relating to particular transports of Category III nuclear material

20.—(1) Subject to paragraph (3), no less than 7 days before the proposed date on which any approved carrier is to begin transporting any Category III nuclear material, he must give notice in writing to the Secretary of State of the matters specified in paragraph (2) in relation to the transport by him.

(2) The matters are—

- (a) the dates on which the transport is to begin and end,
- (b) the places from which and to which the material is to be transported,
- (c) the identity of the persons from whom and to whom the material is to be transferred,
- (d) where all or any part of the transport is to take place outside the United Kingdom, the route of the transport,
- (e) any places at which the material is to stop temporarily, and
- (f) where the material is to be transported otherwise than in a closed and locked vehicle, railway compartment or shipping compartment, details of the container to be used to transport the material.

(3) In exceptional circumstances notice under paragraph (1) may be given less than 7 days before the proposed date on which the approved carrier is to begin transporting the material, but a notice that is so given must specify what the exceptional circumstances are.

(4) Where an approved carrier gives notice as mentioned in paragraph (3), he must obtain approval from the Secretary of State for the transport of the material by him before he begins transporting it.

(5) This regulation does not apply to a carrier who transports a vehicle carrying nuclear material on his ship if the driver of the vehicle drives it on and off the ship and remains on the ship during the ship's journey.

Directions to carriers

21.—(1) An approved carrier must comply with any direction given by the Secretary of State for the purpose specified in section 77(1) of the 2001 Act relating to his business as a carrier of Category I/II nuclear material or Category III nuclear material and requiring the approved carrier—

- (a) not to begin a particular proposed transport,
 - (b) to adopt or implement standards, procedures or arrangements specified in the direction and to secure that his officers, employees, contractors and consultants comply with them,
 - (c) to submit a fresh transport security statement or amendments of his approved transport security statement,
 - (d) to satisfy the Secretary of State about the continuing or future adequacy of his approved transport security statement, or that he is complying with it,
 - (e) to record or investigate in such manner as is specified in the direction—
 - (i) any event or matter of a kind specified in regulation 18(5), or
 - (ii) any such other event or matter as is specified in the direction,or to report, in such manner as is specified in the direction, to the Secretary of State, or such other person as is so specified, any such other event or matter as is so specified, or
 - (f) to take such steps as the Secretary of State considers necessary to remedy or alleviate the consequences of any contravention of these Regulations.
- (2) Such a direction may impose a requirement to be met—
- (a) within a period specified in the direction, or
 - (b) in the case of a direction under paragraph (1)(d), periodically at such intervals as are specified in the direction.