
STATUTORY INSTRUMENTS

2003 No. 403

The Nuclear Industries Security Regulations 2003

PART 5

GENERAL AND SUPPLEMENTARY PROVISIONS

Transport by ship

27.—(1) These Regulations apply to transport in a United Kingdom ship whether or not that ship is in the territorial sea of the United Kingdom.

(2) These Regulations do not apply to transport in a ship that is not a United Kingdom ship, except that (subject to paragraphs (3) to (12)) Part 1 of these Regulations, regulations 18 to 21 and this Part apply to transport within the United Kingdom or its territorial sea in such a ship if the ship—

- (a) is proceeding to a port in the United Kingdom in order to enter it, or entering, leaving or proceeding from such a port, and is carrying nuclear material, or
- (b) is proceeding to such a port in order for nuclear material to be loaded on to it there.

(3) Part 1 of these Regulations, regulations 18 to 21 and this Part do not apply to transport in a ship that is not a United Kingdom ship and is owned by the Government of a country outside the United Kingdom or a department or agency of such a Government except at a time when such a ship is being used for commercial purposes.

(4) In relation to transport in a ship that is not a United Kingdom ship—

- (a) any obligation imposed by virtue of these Regulations (including any obligation arising under the 1974 Act as it applies by virtue of regulation 23 or under the 1978 Order as it applies by virtue of regulation 24) is to be regarded as an obligation that must be met in respect of the ship in question as a condition of its entry into the port in question (but without prejudice to the continuation of that obligation, in so far as it is capable of remaining operative, after it leaves the port), and
- (b) any offence to which regulation 25(2) applies is to be regarded as an offence constituted by a breach of such a condition in respect of the ship in question.

(5) In relation to transport in a ship that is not a United Kingdom ship, regulations 18 to 21 and 23 to 25 have effect with the following modifications.

(6) Regulation 18 applies—

- (a) with the substitution in paragraph (1) for the words “An approved carrier” of the words “A carrier”, and
- (b) with the omission in paragraph (5)(j) of the words from “the standards” to “or”.

(7) Regulation 19 applies—

- (a) with the substitution in paragraphs (1), (2), (6) and (7) for the words “Class A carrier” of the word “carrier”, and
- (b) with the omission in paragraph (5)(a) of the word “other”.

(8) Regulation 20 applies—

- (a) with the substitution in paragraphs (1) and (3) for the words “approved carrier” of the word “carrier”, and
 - (b) with the substitution in paragraph (4) for the words “an approved carrier” of the words “a carrier”.
- (9) Regulation 21(1) applies—
- (a) with the substitution for the words “An approved carrier” and “the approved carrier” of the words “A carrier” and “the carrier” respectively, and
 - (b) with the omission of sub-paragraphs (c) and (d).
- (10) Regulation 23 applies with the insertion after paragraph (5) of the following paragraph—
- “(5A) At the beginning of section 33(1) (offences) there are inserted the words ‘Without prejudice to regulation 25(1) of the Nuclear Industries Security Regulations 2003, in any case where this section applies by virtue of regulation 27(2) of those Regulations and the ship enters or has entered the port in question or an attempt is or has been made for it to do so.’”.
- (11) Regulation 24 applies with the insertion after paragraph (5) of the following paragraph—
- “(5A) At the beginning of Article 31(1) (offences) there are inserted the words ‘Without prejudice to regulation 25(1) of the Nuclear Industries Security Regulations 2003, in any case where this Article applies by virtue of regulation 27(2) of those Regulations and the ship enters or has entered the port in question or an attempt is or has been made for it to do so.’”.
- (12) Regulation 25 applies with the substitution for paragraph (1) of the following paragraph—
- “(1) If—
- (a) any person fails to comply with an obligation that, by virtue of regulation 27(4), is to be met in respect of a ship as a condition of its entry into a port in the United Kingdom, and
 - (b) the ship enters or has entered the port or an attempt is or has been made for it to do so,
- he shall be guilty of an offence.”.
- (13) Notwithstanding anything in this regulation, nothing in these Regulations applies to acts done outside the United Kingdom by a person other than a United Kingdom person.