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STATUTORY INSTRUMENTS

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**2022 No. 1169**

**The Merchant Shipping (Nuclear Ships) Regulations 2022**

**PART 3**

**Operating requirements for nuclear ships**

**General operating requirements for nuclear ships**

**12.**—(1) Subject to the particular operating requirements in this Part, a nuclear ship must be operated in accordance with the operating requirements in paragraph 7.1 in Chapter 7 of the Nuclear Code (operating requirements for a nuclear merchant ship).

(2) For the purposes of paragraph (1), where there is a conflict between the requirements of the REPPIR regulations and paragraph (1), the requirements of the REPPIR regulations take precedence.

**Safety assessment – operational requirements**

**13.**—(1) A nuclear ship must be operated in compliance with the required safety assessment, which—

- (a) in the case of a United Kingdom nuclear ship, is the safety assessment referred to in regulation 7 (safety assessment);
- (b) in the case of a non-United Kingdom nuclear ship, is the safety assessment required by regulation 7 of Chapter VIII (safety assessment) and containing the matters described in regulation 7(2) of these Regulations.

(2) The safety assessment is subject to each of the following requirements—

- (a) it must be kept up to date;
- (b) it must be kept on board the nuclear ship;
- (c) it must be readily available for examination at all times.

(3) In the case of a United Kingdom ship, for the purposes of keeping the safety assessment up to date in accordance with the requirement in sub-paragraph (a) of paragraph (2), any change to the safety assessment must be approved by the Secretary of State.

(4) Subject to payment of the prescribed fee, the Secretary of State must approve any change to the safety assessment referred to in paragraph (3), if satisfied that the requirements in paragraph (2) of regulation 7 have been met.

(5) The safety assessment must be made available to the Secretary of State at least 12 months before the arrival of a nuclear ship in United Kingdom waters.

**Operating manual**

**14.**—(1) An operating manual for a nuclear ship must—

- (a) be prepared for the information and guidance of the crew of the ship in accordance with regulation 8 in Chapter VIII (operating manual);

- (b) include the information referred to in—
    - (i) paragraph 7.2.3 in Chapter 7 of the Nuclear Code (content of the operating manual); and
    - (ii) paragraph 8.1.7 in Chapter 8 of the Nuclear Code (specification of surveys etc.);
  - (c) make provision for nuclear waste management as described in paragraphs 6.5 to 6.9 of the Nuclear Code (management of radioactive waste); and
  - (d) be approved—
    - (i) in the case of a United Kingdom nuclear ship, by the Secretary of State;
    - (ii) in the case of a non-United Kingdom nuclear ship, by that ship's flag administration.
- (2) For the purposes of paragraph (1)(d)(i), the Secretary of State must approve the operating manual referred to in paragraph (1) if satisfied that—
- (a) the requirements in that paragraph have been met; and
  - (b) the prescribed fee has been paid.
- (3) A nuclear ship—
- (a) must not be operated until the operating manual has been approved in accordance with paragraph (1)(d); and
  - (b) must be operated in compliance with its approved operating manual.
- (4) When a nuclear ship and its reactor installation are being operated, the procedures referred to in paragraph 7.3.1 of the Nuclear Code (normal operating procedures) must be followed.
- (5) The operating manual must be—
- (a) kept up to date;
  - (b) kept on board the nuclear ship;
  - (c) readily available for examination at all times.

#### **Additional operating documentation**

**15.**—(1) In addition to the safety assessment required by regulations 7 (safety assessment) and 13 (safety assessment – operational requirements), the operating manual required by regulation 14 (operating manual) and the Nuclear Ship Safety Certificate required by regulation 21 (certification of nuclear ships), a nuclear ship must hold operating documentation reflecting the specific features of the construction and operation of the nuclear ship and which include the following operating documentation—

- (a) certificates attesting to the nuclear training of the master and ship's officers and other crew members holding specialised certification;
- (b) radiation emergency plan;
- (c) radiation muster list;
- (d) records of surveys, functional tests and maintenance and repairs of the nuclear steam supply system; and
- (e) registration logs and records for radiation control, radioactive waste management and fissile material inventory.

(2) Where the requirement for a radiation emergency plan specified in paragraph (1)(b) conflicts with the requirement for an operator's emergency plan specified in the REPPiR regulations<sup>(1)</sup>, the REPPiR regulations take precedence.

(3) The documentation referred to in paragraph (1) must be—

- (a) kept up to date;
- (b) kept on board the nuclear ship;
- (c) readily available for examination at all times.

(4) All the technical information listed in paragraph 7.2.4 in Chapter 7 of the Nuclear Code (content of logs) involving the operation of the reactor installation must be recorded in accordance with the requirements of that paragraph.

(5) All the information relating to emergency plans and muster lists for a nuclear ship listed in paragraph 7.2.5 in Chapter 7 of the Nuclear Code (content of emergency plans and muster lists) must be prepared in accordance with the requirements of that paragraph.

(6) A schedule of surveys, functional tests, maintenance and repairs of the nuclear steam supply system equipment must be maintained in accordance with paragraph 7.2.6 in Chapter 7 of the Nuclear Code (information relating to nuclear steam supply system equipment).

### **Emergency operation procedures**

**16.** In the event of an emergency situation, the procedures contained in paragraph 7.4 in Chapter 7 of the Nuclear Code (emergency operation procedures) must be followed.

### **Maintenance and repair**

**17.** Maintenance and repair of a nuclear ship must be carried out in accordance with paragraph 7.5 in Chapter 7 of the Nuclear Code (maintenance and repair).

### **Manning and training**

**18.—**(1) The crew of a nuclear ship must comprise—

- (a) crew qualified and trained in accordance with paragraph 7.6 in Chapter 7 of the Nuclear Code (manning, training, qualification, updating of knowledge, drills and musters); and
- (b) sufficient crew to operate the reactor installation safely, the minimum number of which must be approved by the Secretary of State in the case of a United Kingdom ship prior to operation of the reactor installation.

(2) A person providing the training required by paragraph (1) in the United Kingdom must be approved by the Secretary of State as a provider of training for crew on nuclear ships.

(3) The Secretary of State may approve a person as a provider of training for crew on nuclear ships if satisfied that that person—

- (a) has the qualifications and experience appropriate to provide the training specified in paragraph 7.6 in Chapter 7 of the Nuclear Code; and
- (b) has paid the prescribed fee.

(4) An approval may be given under paragraph (3) for a maximum period of five years from the date specified in the approval document.

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(1) The requirement for an operator's emergency plan is contained in regulation 10 of each of the Radiation (Emergency Preparedness and Public Information) Regulations 2019 (S.I. 2019/703) and the Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2019 (S.R. 2019 No. 185).

(5) The Secretary of State may extend an approval given under paragraph (3) in maximum increments of five years if satisfied that—

- (a) the approved training provider continues to meet the requirements in sub-paragraph (a) of paragraph (3); and
- (b) has paid the prescribed fee.

(6) An approval given under paragraph (3), or an extension under paragraph (5), may, on the giving of reasonable notice, be altered, suspended or cancelled.

(7) An approval given under paragraph (3), an extension under paragraph (5), or an alteration, suspension or cancellation under paragraph (6), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(8) The requirement that an approval given under paragraph (3), an extension under paragraph (5), or an alteration, suspension or cancellation under paragraph (6), be in writing is satisfied where the text of the approval, extension, alteration, suspension or cancellation is—

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

(9) If the Secretary of State intends to refuse to—

- (a) approve a person under paragraph (3); or
- (b) extend a person's approval under paragraph (5),

the Secretary of State must give notice in writing to that person.

(10) A person approved under paragraph (3), or given an extension of an approval under paragraph (5), must continue to comply with the requirements in sub-paragraph (a) of paragraph (3) for the duration of the validity of the approval.

(11) The Secretary of State may require an approval given under paragraph (3), or an extension of an approval given under paragraph (5), to be surrendered.

(12) No person must—

- (a) offer to provide, or provide, training or assessment of seafarers under this regulation without an approval given by the Secretary of State under this regulation;
- (b) with intent to deceive, use, lend, or allow to be used by another an approval given under paragraph (3), or an extension of an approval given under paragraph (5);
- (c) advertise or otherwise display an approval given by the Secretary of State under this regulation, which has expired, or has not been given to that person under this regulation;
- (d) fail to surrender an approval required to be surrendered under paragraph (11).

### **Appeal against refusal, alteration, suspension or cancellation of an approval**

**19.—**(1) A person—

- (a) who is refused an approval pursuant to regulation 18 (manning and training) or an extension of an approval under that regulation; or
- (b) whose approval under that regulation is subject to an alteration, suspension or cancellation of an approval under regulation 18(6) (alteration, suspension or cancellation of an approval),

may, within 21 days after receiving notice of such decision and before the date specified in the notice, request the Secretary of State to hold an inquiry.

(2) If an inquiry is requested by a person in accordance with paragraph (1), the Secretary of State must cause such an inquiry to be held by one or more persons appointed by the Secretary of State.