
STATUTORY INSTRUMENTS

1993 No. 3031

**The Transfrontier Shipment of
Radioactive Waste Regulations 1993**

PART I

GENERAL

Citation, commencement and extent.

1. These Regulations, which extend to the United Kingdom, may be cited as the Transfrontier Shipment of Radioactive Waste Regulations 1993 and shall come into force on 1st January 1994.

Interpretation etc.

2.—(1) In these Regulations, unless the context otherwise requires—

“appropriate standard document” for any purpose means the standard document prepared for that purpose in accordance with the procedure laid down in Article 19 of the Directive;

“approval”, in regulations 7(5), 13(2)(b)(ii) and 15(1), means an approval under Article 6(1) of the Directive (or under that Article as applied by any other provision of the Directive), and “necessary”, in relation to such an approval, means necessary by virtue of any provision of the Directive;

“authorisation”, in Part II of these Regulations, means an authorisation under regulation 7(5);

“authorisation”, in regulations 10(a), 13(2)(b)(ii) and 15(1), means authorisation for a shipment granted by a Member State under Article 7 or 12(2) of the Directive (or under Article 7 as applied by any other provision of the Directive);

“chief inspector” means—

- (a) in relation to a shipment taking place in England and Wales and in no other part of the United Kingdom, the chief inspector for England and Wales appointed under section 4(2)(a) of the 1993 Act;
- (b) in relation to a shipment taking place in Scotland and in no other part of the United Kingdom, the chief inspector for Scotland appointed under section 4(2)(b) of the 1993 Act;
- (c) in relation to a shipment taking place in Northern Ireland and in no other part of the United Kingdom, the chief inspector for Northern Ireland appointed under section 4(7) of the 1993 Act; and
- (d) in relation to a shipment taking place in two or more of the territories of England and Wales, Scotland or Northern Ireland, the proper authority determined in accordance with paragraph (2);

“the Community” means the European Atomic Energy Community;

“competent authorities”, in relation to a country, means the authorities which, under the law or regulations of that country, are empowered to implement the system of supervision and control defined in Titles I to IV of the Directive, and which, in the case of a Member State, have been designated as such in accordance with Article 17 of the Directive;

“consignee” means a person to whom radioactive waste is shipped;

“country of despatch” has the same meaning as in the Directive;

“country of transit” means a country, whether a Member State or a third country, other than the country of origin and the country of destination, through which a shipment of radioactive waste is, or is to be, transported;

“the Directive” means Council Directive 92/3/Euratom(1) on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community;

“holder” means any person who, before carrying out a shipment, has the legal responsibility for the radioactive waste to be shipped and intends to carry out or arrange for shipment to a consignee;

“place of origin” and “place of destination” mean places situated in two different countries, either Member States or third countries, and those countries are respectively called “the country of origin” and “the country of destination”;

“radioactive waste” means any material which contains or is contaminated by radionuclides and for which no use is foreseen;

“sealed source” has the meaning given to it by Article 1(c) of Council Directive 80/836/Euratom(2);

“shipment” means transport operations from the place of origin to the place of destination, including loading and unloading, of radioactive waste;

“the 1993 Act” means the Radioactive Substances Act 1993(3);

“third country” means a country that is not a member of the Community; and

“transporter” has the same meaning as it has in the Directive.

(2) For the purpose of paragraph (d) of the definition of “chief inspector” in paragraph (1), where a shipment takes place in more than one of the territories of England and Wales, Scotland or Northern Ireland, the proper authority shall be—

- (a) in the case of a shipment to a place of destination in the United Kingdom, the chief inspector appointed under the 1993 Act for the territory in which the place of destination is situated;
- (b) in the case of a shipment from a place of origin in the United Kingdom, the chief inspector appointed under the 1993 Act for the territory in which the place of origin is situated; and
- (c) in the case of a shipment where the United Kingdom is a country of transit, the chief inspector appointed under the 1993 Act for the territory in which the point of entry into the United Kingdom is situated.

(3) The chief inspector may, to any extent, delegate his functions under these Regulations to any other inspector appointed under section 4 of the 1993 Act.

Application of Regulations etc.

3.—(1) These Regulations apply to shipments between Member States, and into and out of the Community, other than—

(1) OJNo. L 35, 12.2.92, p. 24.

(2) OJ No. L 246, 17.9.1980, p. 1.

(3) 1993 c. 12.

- (a) shipments where the quantities and concentration of the radioactive waste do not exceed the levels laid down in Article 4(a) and (b) of Directive 80/836/Euratom; and
 - (b) shipments where a sealed source (other than one containing fissile material) is returned by its user to the supplier of the source in another country.
- (2) Transport operations necessary for any shipment to which these Regulations apply shall comply with Community and national provisions and with international agreements on the transport of radioactive material.

Application of Regulations to the Crown and modifications relating to national security

- 4.—(1) Subject to paragraphs (2) to (4), the provisions of these Regulations shall bind the Crown.
- (2) No contravention by the Crown of any provision of these Regulations shall make the Crown criminally liable; but the High Court or, in Scotland, the Court of Session may, on the application of the chief inspector, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Notwithstanding anything in paragraph (2), the provisions of these Regulations shall apply to persons in the public service of the Crown as they apply to other persons.
- (4) In the application of this regulation to Northern Ireland references to the Crown shall include references to the Crown in right of Her Majesty's Government in Northern Ireland.
- (5) The requirements of these Regulations shall not have effect to the extent that in any particular case they would, in the opinion of the Secretary of State for Defence, be against the interests of national security.