STATUTORY INSTRUMENTS

# 2017 No. 920

# NUCLEAR ENERGY

## The Nuclear Installations (Excepted Matter) Regulations 2017

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| *Made - - - -* | *11th September 2017* |
| *Laid before Parliament* | *15th September 2017* |
| *Coming into force - -* | *6th April 2018* |

The Secretary of State, in exercise of the powers conferred by section 26(1)(**1**) of the Nuclear Installations Act 1965(**2**), makes the following Regulations.

### Citation and commencement

**1.** These Regulations may be cited as the Nuclear Installations (Excepted Matter) Regulations 2017 and come into force on 6th April 2018.

### Interpretation

**2.** In these Regulations—

"the Act" means the Nuclear Installations Act 1965;

"fissile material" means plutonium 239, plutonium 241, uranium 233, uranium 235 (where the mass of the isotope uranium 235 exceeds 1% of the total mass of all the uranium isotopes present), or any material containing any of them;

"the IAEA Regulations" means the 2012 Edition of the Regulations for the Safe Transport of Radioactive Material of the International Atomic Energy Agency(**3**).

### Excepted matter

**3.**—(1) Nuclear matter that meets the requirements of paragraph (2) or (3) is prescribed as excepted matter for the purposes of the definition of that expression in section 26(1) of the Act.

(2) The requirement in this paragraph is that the nuclear matter is a substance consisting substantially of uranium in which—

(**1**) See the definitions of "excepted matter" and "prescribed". There are amendments to section 26 not relevant to these regulations.
(**2**) 1965 c. 57.
(**3**) The Regulations have been published in the safety standards series by the International Atomic Energy Agency (SSR-6) and are also available via www.iaea.org. A hard copy may be obtained, on request, from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

(a) the total activity content per gram of that substance of all radioisotopes, other than any uranium isotopes which are normally present in natural uranium or any daughter products of such uranium isotopes—

(i) does not exceed 3.3 kilobecquerels for all alpha emitting isotopes;

(ii) does not exceed 0.74 megabecquerels for all beta or gamma emitting isotopes; and

(b) the mass of any isotope uranium 235 does not exceed 1% of the total mass of all the uranium isotopes present.

(3) The requirement in this paragraph is that, for such time as it is outside a relevant site, the nuclear matter (other than waste discharged on or from a relevant site or consigned from a relevant site) has been consigned from a relevant site and at the time when it left that site—

(a) it was duly packed and labelled in accordance with the appropriate provisions of the IAEA Regulations (for nuclear matter that is fissile material, this requirement includes compliance with paragraphs 417(a) – (f) of the IAEA Regulations), and

(b) it did not exceed the activity limits prescribed in regulation 4.

**Prescribed activity limits**

**4.** The activity limits for any one consignment of nuclear matter are—

(a) for a consignment containing a known single radionuclide, 100 $A_2$(**4**) using paragraphs 402-404 of the IAEA Regulations to determine the $A_2$ values;

(b) for a consignment containing a mixture of radionuclides which are known, the limit determined by the formula set out in the Schedule, using paragraphs 405-406 of the IAEA Regulations to determine the $A_2$ values;

(c) for a consignment containing single radionuclides or mixtures of radionuclides which are not known or for which relevant data are not available, the limit determined by the formula set out in the Schedule, using paragraph 407 of the IAEA Regulations to determine the $A_2$ values.

**Review**

**5.**—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in regulations 3 and 4, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 5 April 2023.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(**5**) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the obligations as modified by the exclusions made under Article 1(b) of the Convention on Third Party Liability are implemented in other countries which are subject to the obligations.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);

(b) assess the extent to which those objectives are achieved;

(**4**) $A_2$ refers to the radioactivity value in terabecquerels for radionuclides.
(**5**) 2015 c. 26. Section 30(3) was amended by the Enterprise Act 2016 (c. 12), section 19.