



Excepted matter: potential legislation changes

Summary

Changes to regulations related to excepted matter are expected in the near future. Present indications are that the effect of the changes will be very small.

Likely changes

Most of the P&I clubs have rules excluding nuclear liability except in a limited number of cases. Cover is generally provided for “excepted matter” with reference to the Nuclear Installations Act 1965 of the United Kingdom or any regulations made under it.

A good example are the Steamship rules which give a background to this choice.

This Rule does not exclude liabilities, costs and expenses arising out of the carriage of “excepted matter” (as defined in the Nuclear Installations Act 1965 of the United Kingdom or any regulations made thereunder) being carried as cargo on an entered vessel.

Note: The Nuclear Installations Regulations reflect the provisions of the OECD Paris Convention on Carriage of Nuclear Material. “Excepted matter” is nuclear matter consisting only of one or more of the following:

a isotopes prepared for use for industrial, commercial, agricultural, medical or scientific purposes;

b natural uranium;

c depleted uranium;

d small quantities of nuclear matter as prescribed

Following changes to the Vienna convention the OECD will consider changes to the OECD Paris Convention at a meeting in early November.

Proposals were set out by DECC in June 2016 indicating their intention to adopt these changes if and when they are introduced by OECD. It is suggested that any amended excepted matter regulations will come in to force in April 2017.

The proposed changes are likely to be in line with IAEA GOV/2014/63 which can be found at <https://ola.iaea.org/ola/documents/Exclusion-of-small-quantities-files/gov-2014-63.pdf>

Effect of changes

The effect of the changes is likely to affect a very small number of consignments, but will potentially introduce some simplifications related to waste and fissile material.

Changes to clearance of excepted matter

RPC/W4C have traditionally referred to the “*Nuclear Installations (Excepted Matter) Regulations 1978*”. This reference will need to change. Once the draft regulations are available we will change the reference to “*Nuclear Installations Act 1965 or regulations made under it*”.