STATUTORY INSTRUMENTS

2018 No. 482

RADIOACTIVE SUBSTANCES
PUBLIC HEALTH

The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018

Made - - - -	*16th April 2018*
Laid before Parliament	*17th April 2018*
Coming into force - -	*8th May 2018*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 [F1].

The Secretary of State is a Minister designated for the purposes of that section of that Act in relation to basic safety standards for health protection of the general public and workers against the dangers of ionising radiation [F2].

F1 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), **section 27(1)(a)**, and the European Union (Amendment) Act 2008 (c. 7), **section 3(3)**. There are other amendments to section 2 not relevant to these Regulations. Under section 57 of the Scotland Act 1998 (c. 46), despite the transfer to the Scottish Ministers of functions in relation to implementing obligations under Community law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by the Secretary of State as regards Scotland.

F2 See designation order S.I. 1991/2289. The order was revoked for certain purposes not relevant to these Regulations.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018 and come into force on 8th May 2018.

Interpretation

2. In these Regulations—

"Basic Safety Standards Directive" means Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom [F3];

"building material" [F4], "effective dose"[F5], "emergency"[F6], "equivalent dose"[F7], "ionising radiation"[F8], [F9]... and "practice"[F10] have the same meaning as in the Basic Safety Standards Directive.

[[F11]"orphan source" means a radiation source incorporating radioactive material for the purpose of utilising its radioactivity which is—

(a) not held subject to an environmental permit granted under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016 ("the 2016 Regulations");

(b) not held in accordance with the conditions of an exemption from the requirement for an environmental permit under Part 6 of Schedule 23 to the 2016 Regulations;

(c) not held subject to an authorisation under the Environmental Authorisations (Scotland) Regulations 2018;

(d) not registered under section 7 of the Radioactive Substances Act 1993; and

(e) not held in accordance with the terms of a nuclear site licence;

"nuclear site licence" has the same meaning as in section 1 of the Nuclear Installations Act 1965;

"protective measures" means measures, other than remedial measures, for the purpose of avoiding or reducing doses that might otherwise be received in an exposure situation;

"radioactive material" means material incorporating any substance that contains one or more radionuclides the activity or activity concentration of which cannot be disregarded from a radiation protection point of view;

"radiation source" means an entity that may cause exposure, such as by emitting ionising radiation or by releasing radioactive material;

"remedial measures" means the removal of a radiation source or the reduction of its magnitude (in terms of activity or amount) or the interruption of exposure pathways or the reduction of their impact for the purposes of avoiding or reducing doses that might otherwise be received in an exposure situation.**]**

F3 OJ No L 13, 17.01.2014, p 1.
F4 See Article 4.9 of the Basic Safety Standards Directive (the Directive).
F5 See Article 4.25 of the Directive.
F6 See Article 4.26 of the Directive.
F7 See Article 4.33 of the Directive.
F8 See Article 4.46 of the Directive.
F9 Words in reg. 2 omitted (31.12.2020) by virtue of The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1278), regs. 1, **2(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
F10 See Article 4.65 of the Directive.
F11 Words in reg. 2 inserted (31.12.2020) by The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1278), regs. 1, **2(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

PART 2

Land and other exposure situations

3. In this Part, "appropriate minister" means—

(a) in relation to a function so far as exercisable within devolved competence within the meaning of the Scotland Act 1998 [F12], the Scottish Ministers;

(b) in relation to a function so far as exercisable within devolved competence within the meaning of the Government of Wales Act 2006 [F13], the Welsh Ministers;

(c) in relation to a function so far as it deals with a transferred matter within the meaning of the Northern Ireland Act 1998 [F14], a Northern Ireland department;

(d) otherwise, the Secretary of State.

F12 1998 c.46. See section 54.
F13 2006 c. 32. See section 58A, inserted by the Wales Act 2017 (c. 4), **section 19**.
F14 1998 c.47. See section 4. There are amendments to section 4 not relevant to these Regulations.

Measures to be taken in relation to exposures from land

4.—(1) This regulation applies where—

(a) land is contaminated as a result of the after-effects of an emergency, past practice or past work activity; and

(b) the level of exposure of members of the public to ionising radiation cannot be disregarded from a radiation protection point of view.

(2) But this regulation does not apply while any part of an emergency plan is in effect in relation to the land in accordance with either of the following provisions—

(a) **[**[F15]paragraph (3) of regulation 17 of the Radiation (Emergency Preparedness and Public Information) Regulations 2019**]**;

(b) **[**[F16]paragraph (3) of regulation 16 of the Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2019**]**.

(3) The appropriate minister must set a reference level for the land, taking into account—

(a) principles of radiological protection and societal criteria; and

(b) the range of reference levels set out in Annex I to the Basic Safety Standards Directive.

(4) Before the resumption of habitation, or economic or social activities, on the land, the appropriate minister must ensure that appropriate arrangements are established for the on-going control of exposure of members of the public to ionising radiation, with the aim of establishing living conditions that can be considered as normal, including—

(a) the establishment of an infrastructure to support continuing self-help protective measures in the affected area, which may include the provision of information, advice and monitoring;

(b) remediation measures; and

(c) the delineation of the area.

(5) In this regulation, "reference level" means the level of effective dose or equivalent dose above which optimisation of radiation protection for members of the public must be prioritised.

F15 Words in reg. 4(2)(a) substituted (E.W.S.) (22.5.2019) by The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (S.I. 2019/703), reg. 1(1), **Sch. 10 para. 14** (with reg. 3)

F16 Words in reg. 4(2)(b) substituted (N.I.) (1.11.2019) by The Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2019 (S.R. 2019/185), reg. 1, **Sch. 9 para. 6** (with reg. 3)

Provision of information concerning public exposures from radioactive contaminated land

5.—(1) In this regulation, "designated site" means—

(a) land which has been designated by a local authority as a special site under section 78C of the Environmental Protection Act 1990 [F17] as applied with modifications by the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006 [F18] in relation to land in England and as applied with modifications by the Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006 [F19] in relation to land in Wales;

(b) land which has been designated by the Scottish Environment Protection Agency as a special site under section 78BC of the Environmental Protection Act 1990 as applied with modifications by the Radioactive Contaminated Land (Scotland) Regulations 2007 [F20];

(c) land which has been identified by the Chief Inspector in accordance with regulation 3(2) of the Radioactive Contaminated Land Regulations (Northern Ireland) 2006 [F21].

(2) The appropriate minister must ensure that information on the following matters is provided to members of the public exposed to ionising radiation from a designated site—

(a) the potential health risks of their exposure; and

(b) the available means for reducing their exposure.

(3) The appropriate minister must, for each designated site, publish guidance concerning the management of exposure to ionising radiation from that site.

F17 1990 c.43. Sections 78A to 78YC were inserted by section 57 of the Environment Act 1995. There are amendments to these sections not relevant to these Regulations.

F18 S.I. 2006/1379 as amended by S.I. 2007/3245, **S.I**. 2008/520 and S.I. 2010/2147. S.I. 2016/562 also makes amendments which are not yet in force.

F19 S.I. 2006/2988, as amended by S.I. 2007/3250, **S.I**. 2008/521 and S.I. 2010/2146. S.I. 2016/562 and S.I. 2018/429 also make amendments which are not yet in force. There are other amendments which are not relevant to these Regulations.

F20 S.S.I. 2007/179, as amended by S.I. 2007/3240, S.S.I. 2009/202 and S.I. 2010/2153. S.I. 2016/562 also makes amendments which are not yet in force. S.S.I. 2007/179 modifies the Act by inserting section 78BC.

F21 S.R. (N.I.) 2006 No.345 as amended by S.R. (N.I.) 2007 No. 3236 and S.R. (N.I.) 2010 No. 2145.

Measures to be taken in other exposure situations

6.—(1) This regulation applies where the Scottish Ministers, the Welsh Ministers, a Northern Ireland department or the Secretary of State receives evidence about either of the following situations—

(a) the indoor exposure of members of the public to ionising radiation from building material incorporated into buildings or parts of buildings which cannot be disregarded from a radiation protection point of view;

(b) the exposure of members of the public to ionising radiation from contaminated commodities which cannot be disregarded from a radiation protection point of view.

(2) The appropriate minister must ensure that measures are taken to identify and evaluate the level of exposure of members of the public to ionising radiation.

(3) The appropriate minister must ensure that a strategy is in place to manage, as appropriate, any health risks identified as a result of the measures taken under paragraph (2).

(4) The appropriate minister must ensure that the strategy—

(a) sets objectives;

(b) sets an appropriate reference level; and

(c) is developed and implemented taking into account **[**F22the requirements set out in the Schedule**]**.

(5) In this regulation—

"contaminated commodities" means commodities which incorporate—

(a) radionuclides from land contaminated as a result of the after-effects of an emergency, past practice or past work activity; or

(b) naturally occurring radionuclides;

but does not include food, drinking water and animal feeding stuffs;

"reference level" means the level of effective dose, equivalent dose or activity concentration above which optimisation of radiation protection for members of the public must be prioritised.

F22 Words in reg. 6(4)(c) substituted (31.12.2020) by The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1278), regs. 1, **2(3)**; 2020 c. 1, Sch. 5 para. 1(1)

PART 3

Building material

Building material

7.—(1) Where the Secretary of State is aware that relevant building material has been identified in the United Kingdom, the Secretary of State must ensure that before the relevant building material is placed on the market—

(a) the activity concentrations of any radionuclides specified in Annex VIII to the Basic Safety Standards Directive that are in the relevant building material are determined; and

(b) information is provided to the person nominated by the Secretary of State for this purpose, if requested by that person, on—

(i) the activity concentrations determined in accordance with sub-paragraph (a); and

(ii) the corresponding activity concentration index (calculated using the formula set out in Annex VIII to the Basic Safety Standards Directive and such other relevant factors as are specified in that Annex).

(2) Where the relevant building material is liable to give gamma radiation doses exceeding 1 millisievert per year, the Scottish Ministers, the Welsh Ministers, a Northern Ireland department and the Secretary of State must each exercise their functions to ensure that such measures are taken