Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Carriage of Dangerous Goods (Amendment) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2019 No. 111

RADIOACTIVE SUBSTANCES

The Carriage of Dangerous Goods (Amendment) Regulations (Northern Ireland) 2019

Made - - - -	*21st May 2019*
Coming into operation	*18th June 2019*

The Department for the Economy(**1**), being the Department concerned(**2**), makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**3**) ("the 1972 Act"), Articles 17(1), (2) and (4) of, and paragraphs 1(1), (2) and (4), 2, 8, 12 and 13 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978 ("the 1978 Order")(**4**).

The Department was designated(**5**) for the purposes of section 2(2) of the 1972 Act in relation to safety measures in regard to radioactive substances and the emission of ionising radiation(**6**), measures relating to basic safety standards for health protection of the general public and workers against the dangers of ionising radiation, measures relating to informing the public about health protection measures to be taken in the event of a radiological emergency(**7**) and the environment(**8**).

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Department that it is expedient for references to 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(**9**) to be construed as references to that Directive as amended from time to time.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**10**) of the 1978 Order after the Executive had carried out consultations in accordance with Article 46(3)(**11**).

(**1**) Formerly the Department of Enterprise, Trade and Investment; see 2016 c. 5, section 1(3); that Department was formerly the Department of Economic Development; see S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, see S.I. 1982/846 (N.I. 11), Article 3

(**2**) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(**3**) 1972 c. 68; the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51). Section 2(2) was further amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51)

(**4**) S.I. 1978/1039 (N.I. 9): the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1). Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraph 19

(**5**) S.I. 1998/1750

(**6**) S.I 1977/1718

(**7**) S.I 1991/2289

(**8**) S.I. 2008/301

(**9**) OJ No L13, 17.01.2014 p.1

(**10**) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

(**11**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Carriage of Dangerous Goods (Amendment) Regulations (Northern Ireland) 2019 and come into operation on 18th June 2019.

Commencement Information
I1 Reg. 1 in operation at 18.6.2019, see **reg. 1**

Interpretation

2. In these Regulations, "the 2010 Regulations" means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010(**12**).

Commencement Information
I2 Reg. 2 in operation at 18.6.2019, see **reg. 1**

PART 2

Amendment to the 2010 Regulations

Amendment to regulation 4 of the 2010 Regulations

3. In regulation 4 (application),

(a) after paragraph (1), insert—

"(1A) Part 5 of these Regulations also applies in relation to the carriage of class 7 goods by inland waterway.";

(b) in paragraph (2), for "These Regulations" substitute "Parts 1 to 4, 6 and 7 of these Regulations".

Commencement Information
I3 Reg. 3 in operation at 18.6.2019, see **reg. 1**

Radiation emergencies and notifiable events

4. For the heading to Part 5, substitute "Radiation Emergencies and Notifiable Events".

(**12**) S.R. 2010 No. 160, amended by S.R. 2011 No. 365, S.I. 2013/235 and S.R. 2017 No. 229

Commencement Information

I4 Reg. 4 in operation at 18.6.2019, see **reg. 1**

Amendment to regulation 20 (radiological emergencies)

5. For regulation 20 substitute—

"**Radiation emergencies and notifiable events**

20.—(1) This Part applies in relation to the carriage of class 7 goods only.

(2) Schedule 2 makes provision in connection with radiation emergencies and notifiable events.

(3) But this Part shall not apply to carriage by vehicles or wagons belonging to or under the responsibility of one of the armed forces.".

6. For Schedule 2, substitute the Schedule 2 set out in the Schedule to these Regulations.

Commencement Information

I5 Reg. 5 in operation at 18.6.2019, see **reg. 1**

I6 Reg. 6 in operation at 18.6.2019, see **reg. 1**

Transitional provisions

7.—(1) Any person who had a duty under Schedule 2 to the 2010 Regulations prior to these Regulations coming into operation shall continue to comply with the provisions of that Schedule, as that Schedule had effect before the amendments made in regulations 5 and 6, until the relevant day.

(2) After the relevant day, the amendments to the 2010 Regulations made by these Regulations shall be complied with in full, save that any test of an emergency plan carried out in the three years prior to the relevant day is to be treated as though it were a test undertaken pursuant to paragraph 5 of Schedule 2.

(3) In this regulation, "the relevant day" means the day twelve months after the day on which these Regulations come into operation.

Commencement Information

I7 Reg. 7 in operation at 18.6.2019, see **reg. 1**

Sealed with the Official Seal of the Department for the Economy on 21st May 2019.



Colin Jack
A senior officer of the Department for the Economy

SCHEDULE Regulation 6

Radiation Emergencies and Notifiable Events

Commencement Information
I8 Sch. in operation at 18.6.2019, see **reg. 1**

This Schedule sets out the Schedule to be substituted for Schedule 2 to the 2010 Regulations (in accordance with regulation 6 above)—

"SCHEDULE 2 Regulation 20

Radiation Emergencies and Notifiable Events

PART 1

Radiation Emergencies

Interpretation of Part 1

1.—(1) In this Part of this Schedule—

"the 2017 Regulations" means the Ionising Radiations Regulations (Northern Ireland) 2017(**13**);

"dose consequences" means the consequences to an individual of being exposed to a specific quantity of ionising radiation as the result of a radiation emergency;

"duty holder" means—

(a) a consignor; or

(b) a carrier;

"emergency exposure" means an exposure to ionising radiation of an employee engaged in any activity of, or associated with, the response to a radiation emergency or potential radiation emergency in order—

(a) to bring help to endangered persons;

(b) to prevent exposure of a large number of persons; or

(c) to save a valuable installation or goods;

whereby one of the individual dose limits referred to in regulation 12 of the 2017 Regulations could be exceeded;

"emergency services" means—

(a) those police, fire and ambulance services that are likely to be required to respond to a radiation emergency; and

(b) where appropriate, the Maritime and Coastguard Agency;

"emergency worker" means—

(a) a member of the emergency services who has a defined role in an emergency plan;

(**13**) S.R. 2017 No. 229