STATUTORY RULES OF NORTHERN IRELAND

2006 No. 345

RADIOACTIVE SUBSTANCES ENVIRONMENTAL PROTECTION

The Radioactive Contaminated Land Regulations (Northern Ireland) 2006

Made - - - -	*22nd August 2006*
Coming into operation	*22nd September 2006*

The Department of the Environment being a department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) makes the following Regulations in exercise of the powers conferred on it by that section in relation to the safety measures regarding radioactive substances and the emission of ionising radiation.

Citation and commencement

1. These Regulations may be cited as the Radioactive Contaminated Land Regulations (Northern Ireland) 2006 and shall come into operation on 22nd September 2006.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) In these Regulations—

"the 1965 Act" means the Nuclear Installations Act 1965(**4**);

"the 1993 Act" means the Radioactive Substances Act 1993;

"the Chief Inspector" means the Chief Inspector appointed by the Department under section 4 of the Radioactive Substances Act 1993(**5**);

"the Department" means the Department of the Environment;

(**1**) S.I. 1991/2289
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) 1965 c. 57
(**5**) 1993 c. 12

"the Directive" means Council Directive 96/29/Euratom(**6**) laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation;

"exposure" means the process of humans being exposed to ionising radiation;

"harm" means lasting exposure to any human being resulting from the after-effects of a radiological emergency, past practice or past work activity.

"intervention" means a human activity that prevents or decreases the exposure of individuals to radiation from sources which are not part of a practice or which are out of control, by acting on sources, transmission pathways and individuals themselves;

"intervention notice" means a notice in writing served by the Chief Inspector on a responsible person requiring intervention;

"ionising radiation" means the transfer of energy in the form of particles or electromagnetic waves of a wavelength of 100 nanometres or less or a frequency of 3×10^{15} Hertz or more capable of producing ions directly or indirectly;

"lasting exposure" means an exposure likely to give rise to harm to human health arising from one or more of the following dose criteria:

(i) an effective dose of 3 millisieverts per annum; or

(ii) an equivalent dose to the lens of the eye of 15 millisieverts per annum; or

(iii) an equivalent dose to the skin of 50 millisieverts per annum.

"nuclear installations" shall have the same meaning as under the 1965 Act;

"polluter" means any person, or any of the persons, who caused or knowingly permitted the radioactive substances to be in, on or under the land;

"practice" means a human activity that can increase the exposure of individuals to radiation from an artificial source, or from a natural radiation source where natural radionuclides are processed for their radioactive, fissile or fertile properties, except in the case of an emergency exposure;

"radiological emergency" means a situation that requires urgent action in order to provide radiological protection to workers, members of the public or the population either partially or as a whole;

"relevant foreign law" and "relevant foreign operator" shall have the same meaning as under the 1965 Act;

"responsible person" means first the polluter and if the polluter is not found the owner or occupier of the land;

"substance" means, whether in solid or liquid form or in the form of a gas or vapour, any substance which contains radionuclides which have resulted from the after-effects of a radiological emergency or which are or have been processed as part of a past practice or past work activity, but shall not include radon gas or the following radionuclides: Po-218, Pb-214, At-218, Bi-214, Rn-218, Po-214 and Tl-210.

Application of Regulations in the implementation of Articles 48 and 53 of the Directive

3.—(1) The Chief Inspector on behalf of the Department has a duty to investigate the condition of land where there are reasonable grounds to believe that such land is causing lasting exposure.

(2) Where the Chief Inspector has identified land likely to cause lasting exposure to human beings resulting from the effects of the aftermath of a radiological emergency, or a past practice, or past

(**6**) O.J. No. L159, 29.6.1996, p1