STATUTORY RULES OF NORTHERN IRELAND

2001 No. 436

HEALTH AND SAFETY

Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2001

Made - - - - 20th December 2001

Coming into operation 4th February 2002

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), in exercise of the powers (as respects regulations 1 to 16 and 18 to 22) conferred on it by Articles 17(1) to (5), 40(2) and 55(2) of, and paragraphs 2(1), 5, 7(1), 10, 13, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**) and of every other power enabling it in that behalf and for the purpose of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**4**) of that Order after the carrying out by the said Executive of consultations in accordance with Article 46(3)(**5**) of that Order, and (as respects regulations 17 and 21) under section 2(2) of the European Communities Act 1972(**6**) being a Department designated(**7**) for the purposes of the said section 2(2) both in relation to measures relating to informing the public about health protection measures to be taken in the event of a radiological emergency, and in relation to measures relating to the basic safety standards for the protection of the general public and workers against the dangers of ionising radiation and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2001 and shall come into operation on 4th February 2002.

Interpretation

2.—(1) In these Regulations—

(**1**) Formerly the Department of Economic Development; *see*S.I. 1999/283 (N.I. 1), Article 3(5)
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) S.I. 1978/1039 (N.I. 9)
(**4**) Article 13 was amended by S.I. 1998/2795 (N.I. 18), Article 4
(**5**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18(c)
(**6**) 1972 c. 68
(**7**) S.I. 1991/2289

"the 1998 Regulations" means the Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations (Northern Ireland) 1998(**8**);

"the 2000 Regulations" means the Ionising Radiations Regulations (Northern Ireland) 2000(**9**);

"approved dosimetry service" means an approved dosimetry service within the meaning of the 2000 Regulations and which is approved for the purpose of regulation 14 of these Regulations;

"carrier" shall be construed in accordance with paragraph (2);

"carrier's emergency plan" shall be construed in accordance with regulation 8;

"consignor" means an employer carrying out work with ionising radiation who presents to a carrier for transport by rail a consignment of any radioactive substance;

"the Department " means the Department of Enterprise, Trade and Investment;

"dose assessment" means the dose assessment made and recorded by an approved dosimetry service in accordance with regulation 21 of the 2000 Regulations;

"dose record" means the record made and maintained in respect of an employee by the approved dosimetry service in accordance with regulation 21 of the 2000 Regulations;

"emergency exposure" means an exposure of an employee engaged in an activity of, or associated with, the response to a radiation emergency or potential radiation emergency in order to bring help to endangered persons, prevent exposure of a large number of persons or save a valuable installation or goods, whereby one of the individual dose limits referred to in paragraphs 1 or 2 of Part I of Schedule 4 to the 2000 Regulations could be exceeded;

"emergency services" means—

(a) those police, fire and ambulance services who are likely to be required to respond to a radiation emergency which has occurred at the premises of an operator or at the location of a radiation emergency during the course of the transport of a radioactive substance, and

(b) where appropriate, Her Majesty's Coastguard;

"the Executive" means the Health and Safety Executive for Northern Ireland;

"Health and Social Services Board" means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**10**);

"installation" means a unit in which the radioactive substances present are, or are intended to be, produced, used, handled or stored, and it includes—

(a) equipment, structures, pipework, machinery and tools,

(b) railway sidings, docks and unloading quays serving the unit, and

(c) jetties, warehouses or similar structures, whether floating or not,

which are necessary for the operation of the unit;

"intervention" means a human activity that prevents or decreases the exposure of persons to radiation from a radiation emergency or from an event which could lead to a radiation emergency, by acting on the sources of radiation, the paths by which such radiation may be transmitted to persons and on persons themselves;

"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;

"licensed site" means a site in respect of which a nuclear site licence has been granted and is in force;

(**8**) S.R. 1998 No. 132
(**9**) S.R. 2000 No. 375
(**10**) S.I. 1972/1265 (N.I. 14)

"licensee" means the person to whom a nuclear site licence has been granted;

"medical surveillance" means medical surveillance carried out in accordance with regulation 24 of the 2000 Regulations;

"member of the public" means any person not being—

(a) a person for the time being present upon premises where a radiation emergency is reasonably foreseeable or where a radiation emergency has actually occurred, or

(b) a person engaged in an activity of or associated with the response to a radiation emergency;

"non-dispersible source" means a sealed source or a radioactive substance which in either case by virtue of its physical and chemical form cannot cause a radiation emergency in any reasonably foreseeable event but it does not include any radioactive substance inside a nuclear reactor or any nuclear fuel element;

"nuclear site licence" has the meaning assigned to it by section 1(1) of the Nuclear Installations Act 1965(**11**);

"off-site emergency plan" shall be construed in accordance with regulation 9;

"operator" shall be construed in accordance with paragraph (3);

"operator's emergency plan" shall be construed in accordance with regulation 7;

"premises" means—

(a) the whole area under the control of the same person where radioactive substances are present in one or more installations, and for this purpose two or more areas under the control of the same person and separated only by a road, railway or inland waterway shall be treated as one whole area, or

(b) where radioactive substances are present on a licensed site, that licensed site,

and, where a radioactive substance forms an integral part of a vessel and is used in connection with the operation of that vessel, it includes that vessel when it is at fixed point moorings or alongside berths, save that such vessel shall be deemed to be separate premises only where such moorings or berths do not form part of a licensed site or part of premises under the control of the Secretary of State for Defence;

"radiation accident" means an accident where immediate action would be required to prevent or reduce the exposure to ionising radiation of employees or any other persons and includes a radiation emergency;

"radiation emergency" means any event (other than a pre-existing situation) which is likely to result in any member of the public being exposed to ionising radiation arising from that event in excess of any of the doses set out in Schedule 1 and for this purpose any health protection measure to be taken during the 24 hours immediately following the event shall be disregarded;

"radioactive substance" means any substance which contains one or more radionuclides whose activity cannot be disregarded for the purposes of radiation protection;

"sealed source" means a source containing any radioactive substance whose structure is such as to prevent, under normal conditions of use, any dispersion of radioactive substances into the environment;

"transport" means—

(a) carriage of a radioactive substance by rail in or on a vehicle and a radioactive substance shall be deemed as being transported from the time that it is loaded onto the vehicle for the purpose of transporting it until it is unloaded from that vehicle;

(**11**) 1965 c. 57; section 1 was amended by S.I. 1974/2056 and S.I. 1990/1918

(b) transferring or conveying a radioactive substance through any public place otherwise than—

(i) by rail, road, inland waterway, sea or air; or

(ii) by means of a pipeline or similar means;

"vehicle" means a railroad car or railway wagon, and for the purposes of these Regulations each car or wagon forming part of a larger vehicle shall be treated as a separate vehicle;

"work with ionising radiation" means work involving the production, processing, handling, use, holding, storage, transport by rail or disposal of radioactive substances which can increase the exposure of persons to radiation from an artificial source, or from a radioactive substance containing naturally occurring radionuclides which are processed for their radioactive, fissile or fertile properties.

(2) In these Regulations, any reference to a carrier is a reference to—

(a) an employer undertaking the transport by rail of any radioactive substance, and includes both a carrier for hire or reward and a carrier on own account, and

(b) an employer transferring or conveying a radioactive substance through any public place otherwise than by rail, road, inland waterway, sea or air or by means of a pipeline or similar means.

(3) In these Regulations, any reference to an operator is a reference to—

(a) in relation to any premises other than a licensed site, the person who is, in the course of a trade, business or other undertaking carried on by him, in control of the operation of premises, and

(b) in relation to a licensed site, the licensee,

and any duty imposed by these Regulations on the operator shall extend only in relation to those premises.

(4) In these Regulations, any reference to—

(a) an employer includes a reference to a self-employed person and any duty imposed by these Regulations on an employer in respect of his employee shall extend to a self-employed person in respect of himself;

(b) exposure to ionising radiation is a reference to exposure to ionising radiation arising from work with ionising radiation.

(5) The Interpretation Act (Northern Ireland) 1954(**12**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Application

3.—(1) Subject to paragraph (4) and regulation 17, these Regulations apply to any work with ionising radiation which involves—

(a) having on any premises or providing facilities for there to be on any premises a radioactive substance containing more than the quantity of any radionuclide specified in Schedule 2 or, in the case of fissile material, more than the mass of that material specified in Schedule 3;

(b) transporting by rail a radioactive substance containing more than the quantity of radionuclides specified in Schedule 4 or, in the case of fissile material, more than the mass of that material specified in Schedule 3; or

(**12**) 1954 c. 33 (N.I.)

(c) transferring or conveying a radioactive substance of a quantity or mass referred to in sub-paragraph (*b*) through any public place otherwise than by rail, road, inland waterway, sea or air or by means of a pipeline or similar means.

(2) For the purposes of paragraph (1)(*a*), a quantity specified in Schedule 2 shall be treated as being exceeded if—

(a) where only one radionuclide is involved, the quantity of that radionuclide exceeds the quantity specified in the appropriate entry in Part I of Schedule 2; or

(b) where more than one radionuclide is involved, the quantity ratio calculated in accordance with Part II of Schedule 2 exceeds one.

(3) For the purposes of paragraph (1)(*b*), a quantity specified in Schedule 4 shall be treated as being exceeded if—

(a) where only one radionuclide is involved, the quantity of that radionuclide exceeds the quantity specified in the appropriate entry in Part I of Schedule 4; or

(b) where more than one radionuclide is involved, the quantity ratio calculated in accordance with Part II of Schedule 4 exceeds one.

(4) These Regulations shall not apply in respect of—

(a) except for the transport of such source, any non-dispersible source;

(b) except for the transport of such substance, any radioactive substance which has an activity concentration of not more than 100 Bqg^{-1};

(c) any radioactive substance conforming to the specifications for special form radioactive material set out in the 1998 Regulations and which is certified pursuant to those Regulations as complying with them or where the transport forms part of an international transport operation as is referred to in regulation 2(3)(*a*), (*b*) or (*c*) of the 1998 Regulations;

(d) any radioactive substance which is in a package which complies in every respect with either the requirements for—

(i) a Type B package design within the meaning of the 1998 Regulations; or

(ii) a consignment shipped under Special Arrangement Transport Operations for the equivalent of a Type B package within the meaning of the 1998 Regulations,

and which is, in either case, certified pursuant to those Regulations as complying with them or where the transport forms part of an international transport operation as is referred to in regulation 2(3)(*a*), (*b*) or (*c*) of the 1998 Regulations;

(e) the transport of any radioactive substance in the form of a low specific activity material conforming to the specifications for LSA-I, LSA-II or LSA-III within the meaning of the 1998 Regulations including cases where the transport forms part of an international transport operation as is referred to in regulation 2(3)(*a*), (*b*) or (*c*) of the 1998 Regulations;

(f) the transport of any radioactive substance in the form of a surface contaminated object conforming to the specifications for SCO-I or SCO-II within the meaning of the 1998 Regulations including cases where the transport forms part of an international transport operation as is referred to in regulation 2(3)(*a*), (*b*) or (*c*) of the 1998 Regulations; or

(g) the presence of a radioactive substance while it is in or on the live body or corpse of a human being or animal where that presence occurs otherwise than in consequence of a radiation emergency.

Hazard identification and risk evaluation

4.—(1) In relation to work with ionising radiation to which these Regulations apply—