1992 No. 515

HEALTH AND SAFETY

Public Information for Radiation Emergencies Regulations (Northern Ireland) 1992

Made . . . . . *3rd December 1992*

Coming into operation . . *1st January 1993*

The Department of Agriculture, the Department of Economic Development and the Department of the Environment being Departments designated by the European Communities (Designation) (No. 3) Order 1991(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to measures relating to informing the public about health protection measures to be taken in the event of a radiological emergency, acting jointly in exercise of the power conferred on them by the said section 2(2) and acting jointly as the Department concerned(**c**) in exercise of the powers conferred by Articles 17(1), (2) and (5) and 55(2) of, and paragraph 12(2) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**d**) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland, the National Radiological Protection Board and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Public Information for Radiation Emergencies Regulations (Northern Ireland) 1992 and shall come into operation on 1st January 1993.

Interpretation

2.—(1) In these Regulations—

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978;

"contamination" means the contamination by any radioactive substance of any surface (including any surface of the body or clothing) or any part of absorbent objects or materials or the contamination of liquids or gases by any radioactive substance;

"the Department" means the Department of Economic Development;

(**a**) S.I. 1991/2289
(**b**) 1972 c. 68
(**c**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**d**) S.I. 1978/1039 (N.I. 9)

"the Directive" means Council Directive No. 89/618/Euratom on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency(**a**);

"external radiation" means, in relation to a person, ionising radiation coming from outside the body of that person;

"internal radiation" means, in relation to a person, ionising radiation coming from inside the body of that person;

"ionising radiation" means gamma rays, X-rays or corpuscular radiations which are capable of producing ions either directly or indirectly;

"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 the radiation emergency;

"radiation emergency" means any occurrence which is likely to result in any member of the public being exposed to ionising radiation arising from that occurrence 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 occurrence shall be disregarded.

(2) The Interpretation Act (Northern Ireland) 1954(**b**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Employer or self-employed person to supply prior information

3.—(1) It shall be the duty of an employer or a self-employed person who conducts an undertaking from which a radiation emergency is reasonably foreseeable—

(*a*) to ensure that members of the public who are likely to be in an area in which, in the opinion of the Department (having regard to any existing plans prepared by virtue of regulation 27 of the Ionising Radiation Regulations (Northern Ireland) 1985(**c**)), they are liable to be affected by a radiation emergency arising from the undertaking of that employer or self-employed person, are supplied, in an appropriate manner, without their having to request it, with at least the information specified in Schedule 2; and

(*b*) to make that information publicly available.

(2) In preparing the information required to be supplied in accordance with paragraph (1), the employer or self-employed person shall consult the Department, any authority likely to fall within paragraph 5 of Schedule 2 and such other persons who seem to him to be appropriate, but the employer or

(**a**) OJ No. L357, 7.12.89, p. 31
(**b**) 1954 c. 33 (N.I.)
(**c**) S.R. 1985 No. 273

self-employed person shall remain responsible for the accuracy, completeness and form of the information so supplied.

(3) Without prejudice to his duty under paragraph (1), the employer or self-employed person shall endeavour to enter into agreement with the Department for it to disseminate the information required to be supplied in accordance with that paragraph to the members of the public mentioned therein.

(4) The employer or self-employed person shall ensure that the information supplied in accordance with paragraph (1) is updated at regular intervals but, in any case, not less than once in three years and whenever significant changes to the emergency measures, action and authorities referred to in paragraphs 3, 4 and 5 of Schedule 2 take place; when information is updated under this paragraph, it shall be supplied again in accordance with paragraph (1) and made publicly available.

(5) Where on the coming into operation of these Regulations an employer or self-employed person is conducting an existing undertaking from which a radiation emergency is reasonably foreseeable, it shall be sufficient compliance with paragraph (1) if that employer or self-employed person supplies the required information and makes it publicly available within six months of the coming into operation of these Regulations.

Arrangements for the supply of information to members of the public actually affected

4.—(1) It shall be the duty of the Department to arrange to prepare and keep up to date arrangements to supply, in the event of a radiation emergency, information of and advice on the facts of the emergency, of the steps to be taken and, as appropriate, of the health protection measures applicable.

(2) The arrangements prepared and kept up to date under paragraph (1) shall provide for the information to be supplied at regular intervals in an appropriate manner, without delay, and without their having to request it, to members of the public who are actually affected by the radiation emergency.

(3) In the preparation and keeping up to date of those arrangements, the Department shall consult any authority likely to be responsible for implementing the relevant measures referred to in Schedule 3 and such other persons as appear to it to be appropriate.

(4) The information and advice to be supplied in accordance with arrangements prepared and kept up to date under paragraph (1) shall, if relevant to the type of radiation emergency, include that specified in Schedule 3 and shall in any event, mention the authority or authorities responsible for implementing the relevant measures referred to in that Schedule.

(5) For the purposes of paragraph (2), the members of the public referred to in that paragraph as actually affected are those whose co-operation is sought to put into effect any steps or health protection measures referred to in paragraph (1).

(6) It shall be sufficient compliance with paragraph (1) if the required arrangements are prepared within six months of the coming into operation of these Regulations.

Modifications relating to the Ministry of Defence etc.

5. The requirements of regulation 3 shall not have effect to the extent that in any particular case they would, in the opinion of the Secretary of State for Defence, be against the interests of national security.

Enforcement and offences

6. In so far as any provision of regulations 3 and 4 is made under section 2(2) of the European Communities Act 1972, the enforcement and offences provisions of the 1978 Order shall apply to that provision as if that provision had been made under Article 17 of the 1978 Order.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 3rd December 1992.

(L.S.) *I. C. Henderson*
Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 3rd December 1992.

(L.S.) *Philip B. Strong*
Assistant Secretary

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 3rd December 1992.

(L.S.) *R. W. Rogers*
Assistant Secretary