1983 No. 344

RADIOACTIVE SUBSTANCES

Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983

Made	*27th October 1983*
Coming into operation . . .	*1st January 1984*

The Department of the Environment for Northern Ireland, in exercise of the powers conferred by section 5(2) and (3) of the Radioactive Substances Act 1948(**a**) and the Radioactive Substances Act 1948 Appropriate Ministry Designation Order (Northern Ireland) 1970(**b**) and now vested in it(**c**) and of every other power enabling it in that behalf, hereby makes the following regulations:

PART I—GENERAL

Citation and commencement

1. These regulations may be cited as the Radioactive Substances (Carriage by Road) Regulations (Northern Ireland) 1983 and shall come into operation on 1st January 1984.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these regulations reference to travelling in a vehicle carrying radioactive material, or to the personnel compartment in a vehicle carrying radioactive material, shall, in a case where the vehicle carrying the radioactive material is a trailer, include respectively reference to the vehicle, or to the personnel compartment in the vehicle, by which the trailer is drawn.

(3) In these regulations—

"carrier" means a person who carries a radioactive substance by road in a vehicle, whether on his own behalf or on behalf of another person; but only includes the driver of a vehicle carrying a radioactive substance if no other person is a carrier of that substance;

"consignor" means a person who sends, from within or through Northern Ireland, a radioactive substance by road in a vehicle, whether to himself or to another person; but only includes the carrier of a radioactive substance if no other person has sent that substance, whether from inside or outside Northern Ireland, to the destination to which the carrier is taking it;

"Department" means the Department of the Environment for Northern Ireland;

"district council" means a district council within the meaning of the Local Government Act (Northern Ireland) 1972(**e**);

"driver" includes a person who propels a vehicle, and means, in relation to a trailer, the driver of the vehicle by which the trailer is drawn;

(**a**) 1948 c. 37
(**b**) S.R. & O. (N.I.) 1970 No. 332
(**c**) S.R. & O. (N.I.) 1973 No. 504 Article 5(*b*)
(**d**) 1954 c. 33 (N.I.)
(**e**) 1972 c. 9 (N.I.)

"fissile substance" means any of the following: plutonium 238, plutonium 239, plutonium 241, uranium 233 and uranium 235; but does not include unirradiated natural or depleted uranium;

"full load consignment" means a consignment of radioactive material from a single consignor by means of a vehicle of which that consignor has sole use and on or from which all loading and unloading of the material may only be carried out in accordance with the instructions of the consignor or consignee thereof, and includes a consignment of imported radioactive material appearing from the transport documents accompanying the material to be a comparable consignment;

"goods compartment" means a part of a vehicle intended or adapted for the carriage of goods or burden;

"International Regulations" means the Regulations for the Safe Transport of Radioactive Materials, 1973 Revised Edition (As Amended), published by the International Atomic Energy Agency;

"low specific activity material and low level solid radioactive material" means such radioactive material as is mentioned in regulation 9(1)(*b*);

"package" means a package containing radioactive material;

"packaging" in relation to radioactive material, means, where the radioactive material has been packed in one receptacle only, that receptacle, or where the radioactive material has been packed in a receptacle which itself is contained in one or more other receptacles, all those receptacles (both inner and outer), together with (in all instances) any shielding, packing, padding, absorbent material or other component of any package (not being the radioactive material itself);

"personnel compartment" means a driver's compartment in a vehicle or a part of a vehicle intended or adapted for the carriage of persons in the vehicle;

"public road" means a road which is maintainable by the Department;

"radiation accident" means any such occurrence as is mentioned in regulation 18(*d*);

"radioactive material" means any radioactive substance the specific activity of which exceeds the amount stated in regulation 4(1) and includes any article, or part of an article, made wholly or partly from, or incorporating, or having on the surface of it, such a substance;

"road" means any public road and any other road to which the public has access (not being a road within the boundaries of an aerodrome);

"specially approved consignment" means a consignment of radioactive material, where the material or package design or the carriage of the consignment has been approved by the Department;

"transport index" means the number specified on the yellow label of a yellow label package as the transport index of that package;

"visiting force" means any such body, contingent or detachment of the forces of any country as is a visiting force for the purpose of the provisions of the Visiting Forces Act 1952(a)—

(*a*) which apply to that country by virtue of section 1(1)(*a*) of that Act, or

(*b*) which for the time being apply to that country by virtue of section 1(1)(*b*) of that Act and of any Order in Council made under the said section 1 designating that country for the purpose of all the provisions of that Act following sub-section (2) of the said section 1;

(a) 1952 c. 67

"white label package" means a package bearing either such a label as is shown in Part II of Schedule 1 or, in the case of imported radioactive material, a similar label;

"yellow label package" means a package bearing either such a label as is shown in Alternative 'A' or Alternative 'B' in Part III of Schedule 1 or, in the case of imported radioactive material, a similar label.

Knowledge of radioactivity

3. A person shall not be guilty of a contravention of these Regulations in relation to a radioactive substance if he shows that he neither knew nor had reasonable grounds for believing that the substance was radioactive.

PART II

PROVISIONS RELATING TO THE CARRIAGE BY ROAD IN A VEHICLE OF RADIOACTIVE MATERIAL TO WHICH THIS PART OF THESE REGULATIONS APPLIES

Application

4.—(1) Subject to the provisions of Part III (which relates to exemptions), this Part shall apply to the carriage in or through Northern Ireland by road in a vehicle of any radioactive substance whose specific activity exceeds 0.002 of a microcurie per gram of substance.

(2) In calculating the specific activity of any radioactive substance for the purpose of paragraph (1) in relation to any article which incorporates or has on its surface any radioactive chemical element but does not consist wholly thereof, account shall be taken only of that part of the article which incorporates or has on its surface that element.

General prohibitions

5. No person shall—

(*a*) carry radioactive material in a vehicle which, for the purposes of or within the meaning of the Road Traffic (Northern Ireland) Order 1981(**a**), is a public service vehicle; or

(*b*) carry in a vehicle which is carrying radioactive material any explosive substances within the meaning of the Explosives Act 1875(**b**), the Explosives Act (Northern Ireland) 1970(**c**), the Explosives (Northern Ireland) Order 1972(**d**) and any Regulations made thereunder; provided that this paragraph shall not apply in relation to a vehicle which is carrying a specially approved consignment; or

(*c*) wilfully damage, or open without reasonable cause, any package in the course of carriage; or

(*d*) remove without reasonable cause from a package in the course of carriage any label attached to the package or any warning sign or mark displayed on or within the package, or wilfully deface any such label, sign or mark; or

(*e*) remove without reasonable cause from a vehicle carrying radioactive material any notice, placard or label carried by that vehicle in accordance with the requirements of these regulations, or wilfully deface any such notice, placard or label.

(**a**) S.I. 1981/154 (N.I. 1)
(**b**) 1875 c. 17
(**c**) 1970 c. 10 (N.I.)
(**d**) S.I. 1972/730 (N.I. 3)

6. No person shall be a carrier of radioactive material unless—

(*a*) he is the consignor of the material; or

(*b*) he has received such certificate relating to the material as is required by regulation 11, and (except for a full load consignment of low specific activity material or low level solid radioactive material) the material is contained in a white label package or in a yellow label package; or

(*c*) he knows, or has reasonable grounds for believing, that the material is to be carried as a specially approved consignment; or

(*d*) the material is a full load consignment of low specific activity material or low level solid radioactive material, or is contained in a white label package or in a yellow label package, and the material is in the course of its first carriage in Northern Ireland since last being imported into Northern Ireland from either:—

(i) Great Britain, and the carrier of the material knows, or has reasonable grounds for believing, that the requirements of the Radioactive Substances (Carriage by Road) (Great Britain) Regulations 1974(**a**) as to labels and transport documents have been complied with in relation to the material; or

(ii) a place other than Great Britain, and the carrier of the material knows, or has reasonable grounds for believing, that the requirements of the International Regulations as to labels and transport documents have been complied with in relation to the material.

7. No person other than the carrier of radioactive material shall—

(*a*) travel in a vehicle which is carrying the material unless he travels with permission of the carrier of the material and in a personnel compartment and the material is carried in a goods compartment;

(*b*) remove the material while in the course of carriage from the vehicle carrying it, or alter the position of any package in the vehicle, except in accordance with the instructions of the carrier, the consignor or the consignee, or for reasonable cause.

General obligation affecting consignors, carriers and drivers

8. The consignor and the carrier of radioactive material in a vehicle, and the driver of the vehicle, shall exercise reasonable care to ensure that the material shall not, in the course of carriage, cause injury to the health of any person.

Prohibitions and obligations affecting consignors

9.—(1) Subject to paragraph (2), a consignor of radioactive material shall not send the material, or carry the material, or deliver the material for carriage, in a vehicle on a road unless—

(*a*) the material is safe to carry, is contained in a secure package and the package is either—

(i) safe to handle and labelled as a white label package in accordance with the provisions of Part I of Schedule 1 with labels in the form, and of the colour and size, shown in Part II of that Schedule; or

(ii) safe to handle for short periods and labelled as a yellow package in accordance with the provisions of Part I of Schedule 1 with labels in the form, and of the colour and size, shown as Alternative 'A' or Alternative 'B' in Part III of that Schedule; or

(a) S.I. 1974/1735

(*b*) the material is—

(i) of low specific activity, that is to say, uranium or thorium ores, unirradiated natural or depleted uranium or unirradiated natural thorium, tritium oxide in aqueous solutions with concentrations not exceeding 10 curies per litre, or other materials of similarly low specific activity carried in bulk or in packages in such a manner that there will be no leakage of material from the vehicle; or

(ii) low level solid radioactive material, that is to say, solid material such as consolidated wastes or contaminated objects carried in packages as a full load consignment; or

(*c*) the material is carried, or is to be carried, as a specially approved consignment.

(2) In any proceedings against a consignor for an alleged contravention of or failure to comply with this regulation it shall be a defence for the consignor to show that he had complied with the relevant provisions of the International Regulations in relation to the consignment in question.

10. For the purposes of regulation 9—

(*a*) in determining whether radioactive material is safe to carry, or whether a package is safe to handle, or safe to handle for short periods, regard shall be had to the risk of the radioactive material causing danger to the health of any person at any time during the carriage and in assessing such risk the following factors shall be taken into account—

(i) the radioactivity and radiotoxicity of the material,

(ii) the amount of any fissile substance in the material,

(iii) the radiation level of the radiation emanating from the package or load,

(iv) the extent to which the outside surface of any package may be contaminated with radioactive material;

(*b*) in determining whether a package is secure, regard shall be had to—

(i) the construction and strength of the packaging,

(ii) the shielding capacity incorporated in the packaging,

(iii) the ability of the packaging to remain leak-proof and proof against dispersal of the radioactive material, throughout the course of the carriage;

(*c*) in determining whether a vessel or covering which contains or encloses low specific activity material in bulk, or a package which contains such material, is leak-proof, regard shall be had to its ability to remain leak-proof throughout the course of the carriage;

(*d*) no package shall be regarded as secure unless it satisfies the following requirements—

(i) no external dimension of the package shall be less than 10 centimetres;

(ii) nothing shall be placed inside the packaging except the radioactive material to be carried and any other articles or documents which are necessary for the use of the radioactive material and which can be included without providing any additional hazard due to reaction with the material;

(iii) either the package as a whole, or such component of the packaging as it is necessary to close securely for the safe carriage of the radioactive material and the safe handling of the package, shall be closed and secured in such a way that deliberate action is needed to open such package, or such component (as the case may be).