
STATUTORY INSTRUMENTS

1992 No. 234 (N.I. 2)

**The Radioactive Material (Road
Transport) (Northern Ireland) Order 1992**

- - - - - 11th February 1992

Title and commencement

1.—(1) This Order may be cited as the Radioactive Material (Road Transport) (Northern Ireland) Order 1992.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F1} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order

“the Department” means the Department of the Environment;

“inspector” means—

(a) an inspector appointed under Article 9; or

[^{F2}(b) a person appointed as an examiner under Article 74 of the Road Traffic (Northern Ireland) Order 1995;]

^{F2}“packaging”, in relation to radioactive material which has been consigned for transport, means an assembly of packaging components which encloses the material completely;

“packaging components” means components intended for use as part of the packaging of such material, and includes—

(a) receptacles, absorbent materials, spacing structures and radiation shielding; and

(b) devices for cooling, for absorbing mechanical shocks and for thermal insulation;

“radioactive material” has the meaning given in Article 3;

“radioactive package” means a package comprising radioactive material which has been consigned for transport and its packaging;

“transport” means transport by road.

F1 1954 c.33 (N.I.)

F2 1995 NI 18

“Radioactive material”

3. In this Order “radioactive material” means any material having a specific activity in excess of—

- (a) 70 kilobecquerels per kilogram; or
- (b) such lesser specific activity as may be specified in an order subject to negative resolution made by the Department.

Regulations

4.—(1) The Department may make such regulations as appear to it to be necessary or expedient—

- (a) to prevent any injury to health, or any damage to property or to the environment, being caused by, or by any incident arising out of, the transport of radioactive material; and
- (b) to give effect to such international regulations for the safe transport of radioactive material as may be published by the International Atomic Energy Agency.

(2) Without prejudice to the generality of paragraph (1), regulations under this Article may make provision with respect to—

- (a) the design of packaging for radioactive material and the manufacture and maintenance of packaging components;
- (b) the preparation, labelling, consignment, handling, transport, storage in transit and delivery of radioactive packages;
- (c) the placarding of vehicles used to transport such packages; and
- (d) the keeping of records and the furnishing of information.

(3) Regulations under this Article may also—

- (a) impose requirements by reference to the approval of the Department or of any person or body specified in the regulations; and
- (b) provide for such exceptions, limitations and conditions, and make such supplementary, incidental, consequential or transitional provisions, as the Department considers necessary or expedient.

(4) Any person who contravenes any regulations under this Article shall be guilty of an offence.

(5) Regulations under this Article shall be subject to negative resolution.

(6) Subsection (2) of section 5 of the Radioactive Substances Act 1948^{F3} shall cease to have effect; and any regulations under that subsection which are in force at the commencement of this Order shall have effect as if made under this article.

<p>F3 1948 c.37</p>

Prohibitions and directions

5.—(1) If it appears to an inspector, as respects any vehicle used to transport radioactive packages—

- (a) that the vehicle, or any radioactive package which is being transported by it, fails to comply with any regulations under Article 4;
- (b) that the vehicle, or any radioactive package which is or was being transported by it, has been involved in an accident;
- (c) that any radioactive package which was being transported by the vehicle, or any radioactive material which was contained in such a package, has been lost or stolen,

he may prohibit the driving of the vehicle.

(2) If it appears to an inspector appointed under Article 9 that any radioactive package or packaging component fails to comply with any regulations under Article 4, he may prohibit the transport of that package or, as the case may require, the use of that component as part of the packaging of radioactive materials.

(3) A prohibition imposed under this Article may apply either absolutely or for a specified purpose and either without any limitation of time or for a specified period.

(4) Where an inspector imposes a prohibition under paragraph (1), he may also by a direction in writing require the person in charge of the vehicle to remove it (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle or trailer in accordance with the direction.

(5) Where an inspector imposes a prohibition under this Article, he shall forthwith give notice of the prohibition to the person in charge of the vehicle, package or packaging component, specifying the failure to comply or, as the case may be, the accident or other incident in consequence of which the prohibition is imposed and—

(a) stating whether the prohibition applies absolutely or for a specified purpose (and if the latter specifying the purpose); and

(b) stating whether the prohibition applies without limitation of time or for a specified period; and any direction under paragraph (4) may be given either in such a notice or in a separate notice given to the person in charge of the vehicle.

(6) A prohibition under this Article shall come into force as soon as notice of it has been given in accordance with paragraph (5) and shall continue in force—

(a) until it is removed under paragraph (7); or

(b) in the case of a prohibition imposed only for a specified period, until either it is removed or that period expires, whichever first occurs.

(7) A prohibition under paragraph (1) may be removed by any inspector, and a prohibition under paragraph (2) may be removed by any inspector appointed under Article 9, if he is satisfied—

(a) in the case of a prohibition imposed in consequence of a failure to comply with any regulations under Article 4, that appropriate action has been taken to remedy that failure;

(b) in the case of a prohibition imposed in consequence of an accident or other incident, either that no failure so to comply was occasioned by that accident or incident or that appropriate action has been taken to remedy any such failure which was so occasioned;

and on doing so, the inspector shall forthwith give notice of the removal of the prohibition to the person in charge of the vehicle, package or packaging component.

(8) Any person who contravenes a prohibition under this Article, or fails to comply with a direction under paragraph (4), shall be guilty of an offence.

Enforcement notices

6.—(1) If an inspector appointed under Article 9 is of the opinion that any person is failing or is likely to fail to comply with any regulations under Article 4 which make provision for regulating the manufacture, or requiring the maintenance, of packaging components, he may serve a notice under this Article on that person.

(2) A notice under this Article shall—

(a) state that the inspector is of the opinion described in paragraph (1);