
STATUTORY INSTRUMENTS

1992 No. 234

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

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.