

SCHEDULE 23

Radioactive substances activities

PART 4

The HASS Directive

SECTION 1

Security of sources

Interpretation

1. In this Part—

“the HASS Directive” means Council Directive 2003/122/EURATOM(1) on the control of high-activity sealed radioactive sources and orphan sources;

“high-activity or similar source” means—

- (a) a high-activity source; or
- (b) such other sealed source which, in the opinion of the regulator, is of a similar level of potential hazard to a high-activity source;

“high-activity source” has the same meaning as in the HASS Directive but excluding any such source once its activity level has fallen below the exemption levels specified in column 2 of Table A to Annex I to the Basic Safety Standards Directive;

“orphan source” has the same meaning as in the HASS Directive; and

“sealed source” has the same meaning as in the HASS Directive.

Site security: inspection

2.—(1) In exercising relevant functions in relation to a radioactive substances activity, the regulator must comply with sub-paragraph (3) where a high-activity or similar source is, or will be, kept, used, disposed of or accumulated on any premises.

(2) Sub-paragraph (1) does not apply where the premises are, or are part of, a nuclear site.

(3) In considering if the measures taken, or to be taken, by the operator ensure the adequate security of any premises, the regulator must where appropriate inspect those premises.

(4) Where the regulator inspects any premises under sub-paragraph (3), it may be accompanied by such other persons as are appropriate to assist it in assessing the measures.

(5) An operator must permit the regulator (and any person accompanying it) reasonable access to any premises the regulator wishes to inspect under sub-paragraph (3).

(6) If the operator fails to comply with sub-paragraph (5), the regulator may refuse the application or revoke the permit insofar as it relates to the sources referred to in sub-paragraph (1).

(1) OJ No L 346, 31.12.2003, p 57.

Site security: security measures and advice

3.—(1) In exercising relevant functions in relation to a radioactive substances activity, the regulator must comply with sub-paragraph (2) where a high-activity or similar source is, or will be, kept, used, disposed of or accumulated on any premises.

- (2) The regulator—
 - (a) must be satisfied that there are in place measures concerning site security, including the security measures in sub-paragraph (3), as are appropriate to the source and premises in question;
 - (b) where it considers it appropriate to do so, must consult the police, security services or other appropriate persons on site security;
 - (c) must have regard to any advice given by them, if it is issued within such time as the regulator believes is reasonable before it exercises a relevant function; and
 - (d) must impose appropriate environmental permit conditions concerning site security.
- (3) The security measures referred to in sub-paragraph (2)(a) are—
 - (a) measures to ensure the physical security of the premises, including the installation of alarm and detection systems, and the retaining of documentary evidence of those measures;
 - (b) measures, which are evidenced in writing—
 - (i) to prevent unauthorised access to, or loss or theft of, a high-activity or similar source;
 - (ii) to detect such matters; and
 - (iii) to review and enhance the physical security of the premises in response to any increased risk of unauthorised access, loss or theft;
 - (c) written procedures to ensure that before a person is authorised to have access to a high-activity or similar source—
 - (i) that person has passed checks to verify their identity, and
 - (ii) satisfactory written references have been obtained which confirm, as far as reasonably practicable, that there is no information to indicate that the person presents any security risk to the sources; and
 - (d) measures to keep secure, and prevent unauthorised access to, information relating to—
 - (i) a high-activity or similar source, and
 - (ii) the measures referred to in paragraphs (a), (b) and (c).

SECTION 2

Advice and assistance in relation to orphan sources

Advice and assistance in respect of orphan sources

4.—(1) The relevant person must ensure that specialised technical advice and assistance is promptly made available to persons who—

- (a) are not normally involved in operations subject to radiation protection requirements, and
 - (b) suspect the presence of an orphan source.
- (2) The relevant person must ensure that the primary aim of such advice and assistance is—
- (a) the safety of the source; and
 - (b) protecting the public and workers from radiation.
- (3) The relevant person means—

- (a) in relation to the protection of workers, the Secretary of State;
- (b) in relation to the protection of the public (other than workers)—
 - (i) in England, the Secretary of State,
 - (ii) in Wales, the Welsh Ministers.

SECTION 3

Exercise of relevant functions and matters in relation to orphan sources

General

5.—(1) In exercising relevant functions in relation to a radioactive substances activity, the regulator must comply with the following provisions of the HASS Directive—

- (a) Article 3(2) and (3);
- (b) Article 4;
- (c) Article 5(1) and (2);
- (d) Article 6;
- (e) subject to sub-paragraph (2), Article 7(1) and (2).

(2) In relation to a high-activity source placed on the market before 31st December 2005, sub-paragraph (1)(e) has effect as if it referred to the provisions contained in Article 16(1)(b) of the HASS Directive.

Records and inspections

6. In relation to a high-activity source, the regulator must—

- (a) keep records of those matters—
 - (i) required by Article 5(3) and (4) of the HASS Directive; and
 - (ii) notified to it under Article 6 of that Directive;

and

- (b) establish or maintain a system of inspections to enforce the following provisions of the HASS Directive—
 - (i) Articles 3 to 6;
 - (ii) as appropriate, Article 7(1) and (2) or Article 16(1)(b).

Training and information

7.—(1) In relation to a high-activity source, the appropriate training and adequate information required by the Ionising Radiations Regulations 1999⁽²⁾ must include—

- (a) specific requirements for the safe management of such a source;
- (b) particular emphasis on the necessary safety requirements in relation to such a source; and
- (c) specific information on possible consequences of the loss of adequate control of such a source.

(2) The training and information on the matters in sub-paragraph (1) must be repeated at regular intervals and documented, with a view to preparing the employees and other persons referred to in those Regulations for such matters.

(2) [S.I. 1999/3232](#).

Orphan sources

- 8.—(1) The regulator must—
- (a) be prepared, or have made provision (including the assignment of responsibilities), to recover any orphan source; and
 - (b) have drawn up appropriate response plans and measures.
- (2) The regulator may recover any expenses reasonably incurred by it in the recovery and disposal of an orphan source from—
- (a) the person carrying on the radioactive substances activity involving that source; or
 - (b) the occupier or owner of the premises where the source is located.
- (3) In relation to sub-paragraph (2)—
- (a) “owner” has the same meaning as in section 343 of the Public Health Act 1936⁽³⁾; and
 - (b) the provisions of section 294 of that Act (which limits the liability of owners who are only agents or trustees) apply but as if reference in that section to a council recovering expenses under that Act were to the regulator recovering expenses under sub-paragraph (2).

(3) 1936 c. 49.