



# Radiological Protection Act 1970

## 1970 CHAPTER 46

An Act to provide for the establishment of a National Radiological Protection Board and an Advisory Committee, with functions concerning the protection of people from radiation hazards; and for connected purposes. [29th May 1970]

### Modifications etc. (not altering text)

- C1** The functions of the Secretary of State for Social Services under this Act now exercisable by Secretary of State for Health: [S. I. 1988/1843](#), arts. 2, 3, [Sch. 2 Pt. I](#)
- C2** Transfer of functions (1.7.1999) by [S.I. 1999/672](#), arts. 1(2), 2, [Sch. 1](#)

## 1 The National Radiological Protection Board and its functions.

- (1) There shall be a public authority, to be called the National Radiological Protection Board (in this Act referred to as “the Board”), whose function it shall be—
- by means of research and otherwise, to advance the acquisition of knowledge about the protection of mankind from radiation hazards; and
  - to provide information and advice to persons (including government departments) with responsibilities in the United Kingdom in relation to the protection from radiation hazards either of the community as a whole or of particular sections of the community.
- (2) The Board shall have power—
- to provide technical services to persons concerned with radiation hazards; and
  - to make charges for such services, and for providing information and advice.
- (3) The foregoing subsections shall not be treated as transferring to the Board any functions exercisable by a government department under any enactment; but the Board shall, in accordance with directions given to them by the Health Ministers—
- assume responsibility for the Radiological Protection Service heretofore provided by the Medical Research Council; and
  - carry on in place of the United Kingdom Atomic Energy Authority (hereinafter called “the Atomic Energy Authority”) such activities related to

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the effect of radiation hazards on health and safety and heretofore carried on by that Authority as may be specified in the directions.

- (4) In this Act—
- (a) subject to subsection (8) below, “the Health Ministers” means the following Ministers acting jointly:—
    - the [<sup>F1</sup>Secretary of State for Health];
    - the Secretary of State for Scotland;
    - the Secretary of State for Wales; and
    - the Minister of Health and Social Services for Northern Ireland;
  - (b) references to the Secretary of State are to the Secretary of State for Social Services; and
  - (c) “radiation hazards” means the dangers of ionising radiations emitted by radioactive substances or other sources.
- (5) The functions of the Advisory Committee established under section 6 of the <sup>M1</sup>Radioactive Substances Act 1948 are hereby transferred to the Board, and the Committee shall cease to exist.
- (6) The Secretary of State, after consultation with the Atomic Energy Authority and the Medical Research Council, may by order—
- (a) confer on the Board any new functions for purposes connected with the protection of mankind from radiation hazards, or from the dangers of radiation which is electro-magnetic, but not ionising; or
  - (b) terminate any function conferred on the Board by or under this Act; or
  - (c) vary any such function, so however as not to confer on the Board any new function which could not be conferred on them in accordance with paragraph (a) of this subsection.
- [<sup>F2</sup>(6A) In carrying out such of their functions as relate to matters to which the functions of the Health and Safety Commission relate, the Board shall (without prejudice to subsection (7) below) act in consultation with the Commission and have regard to the Commission’s policies with respect to such matters.]
- (7) In carrying out their functions the Board shall comply with any directions given to them by the Health Ministers; but those Ministers shall not give any direction to the Board except after consultation with the Atomic Energy Authority and the Medical Research Council.
- [<sup>F3</sup>(7A) Without prejudice to subsection (6) or (7) above, it shall be the duty of the Board, if so directed by the Health Ministers, to enter into an agreement with the Health and Safety Commission for the Board to carry out on behalf of the Commission such of the Commission’s functions relating to ionising or other radiations (including those which are not electro-magnetic) as may be determined by or in accordance with the direction; and the Board shall have power to carry out any agreement entered into in pursuance of a direction under this subsection.
- (7B) The requirement as to consultation in subsection (7) above shall not apply to a direction under subsection (7A).]
- (8) Any functions of the Health Ministers under this Act may, by agreement between them, be exercised by any one of them acting on behalf of all; and, without prejudice to the foregoing provision, any one of them may, without the others, give directions to the Board under subsection (7) [<sup>F4</sup>or (10)] [<sup>F5</sup>or (7A)] of this section in relation to

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such functions of the Board as are exercisable solely in a part of the United Kingdom with respect to which that Minister has responsibilities.

- [<sup>F6</sup>(9) In carrying out such of their functions as relate to matters to which the functions of the Health and Safety [<sup>F7</sup>Executive] for Northern Ireland relate, the Board shall (without prejudice to subsection (7) above) act in consultation with the [<sup>F7</sup>Executive] and have regard to the opinion of the [<sup>F7</sup>Executive] with respect to such matters.
- (10) Without prejudice to subsection (6) or (7) above, it shall be the duty of the Board, if so directed by the Health Ministers, to enter into an agreement with the Health and Safety [<sup>F7</sup>Executive] for Northern Ireland or, as the case may be, the Department concerned within the meaning of the Health and Safety at Work (Northern Ireland) Order 1978, for the Board to carry out on behalf of the [<sup>F7</sup>Executive] or that Department such of the [<sup>F7</sup>Executive]’s or, as the case may be, that Department’s functions relating to ionising or other radiations (including those which are not electro-magnetic) as may be determined by or in accordance with the direction; and the Board shall have power to carry out any agreement entered into in pursuance of a direction under this subsection.
- (11) The requirement as to consultation in subsection (7) above shall not apply to a direction under subsection (10).]

#### Textual Amendments

- F1** Words substituted by [S. I. 1988/1843, art. 5\(4\)](#), **Sch. 3 para. 1(e)**
- F2** [S. 1\(6A\)](#) added by [Health and Safety at Work etc. Act 1974 \(c. 37\), s. 77\(1\)\(a\)](#)
- F3** [S. 1\(7A\)\(7B\)](#) added by [Health and Safety at Work etc. Act 1974 \(c. 37\), s. 77\(1\)\(b\)](#)
- F4** Words inserted by [S.I. 1978/1039 \(N. I. 9\)](#), **art. 52(1)(b)**
- F5** Words inserted by [Health and Safety at Work etc. Act 1974 \(c. 37\), s. 77\(1\)\(c\)](#)
- F6** [S. 1\(9\)–\(11\)](#) added (N. I.) by [S. I. 1978/1039 \(N. I. 9\)](#), **art. 52(1)(a)**
- F7** Words in [s. 1\(9\)\(10\)](#) substituted (1.4.1999) by [S.I. 1998/2795 \(N.I. 18\)](#), [art. 6\(1\)](#), **Sch. 1 para. 4**; [S.R. 1999/96](#), **art. 2**

#### Marginal Citations

- M1** [1948 c. 37](#).

## 2 General provisions about the Board.

- (1) The Board shall consist of a chairman and not less than seven, nor more than [<sup>F8</sup>twelve], other members; and all the members of the Board shall be appointed by the Health Ministers after consultation with the Atomic Energy Authority and the Medical Research Council.
- (2) The Secretary of State may, after consultation with the Board, by order amend the foregoing subsection by substituting for the number “seven” or “nine” (or both) a different number, whether larger or smaller.
- (3) The provisions of Schedule 1 to this Act shall have effect with respect to the Board and its members, and to the proceedings and staff of the Board.
- (4) Any land occupied by the Board shall be deemed, for the purposes of any rate on property, to be property occupied by or on behalf of the Crown for public purposes.
- (5) For the purposes of the <sup>M2</sup>Factories Act 1961, any premises belonging to or in occupation of the Board, and any building operations or works of engineering

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construction undertaken by or on behalf of the Board, shall be deemed to be premises belonging to or in occupation of the Crown or, as the case may be, to be operations or works undertaken by or on behalf of the Crown.

- (6) Sections 1 to 51 of the <sup>M3</sup>Offices, Shops and Railway Premises Act 1963 and regulations made thereunder shall, as regards premises occupied by the Board, be enforceable by [<sup>F9</sup>inspectors appointed by the Health and Safety Executive under section 19 of the <sup>M4</sup>Health and Safety at Work etc. Act 1974]

(7) ..... <sup>F10</sup>

(8) ..... <sup>F11</sup>

- (9) Except as provided by this section, the Board shall not be taken to be a servant or agent of the Crown or to enjoy any status or immunity of the Crown, or to be exempt from any tax, duty, rate, levy or charge whatsoever, whether general or local; and its property shall not be taken to be property of, or property held on behalf of, the Crown.

#### Textual Amendments

**F8** Word substituted by [S. I. 1980/970, art. 2](#)

**F9** Words substituted by Health and Safety at [Work etc. Act 1974 \(c. 37\), s. 77\(2\)](#)

**F10** [S. 2\(7\)](#) repealed with savings by [Income and Corporation Taxes Act 1970 \(c. 10\)](#), ss. 538, 539, [Sch. 16](#)

**F11** [S. 2\(8\)](#) repealed by [Official Secrets Act 1989 \(c. 6, SIF 39:2\)](#), s. 16(4), [Sch. 2](#)

#### Marginal Citations

**M2** [1961 c. 34.](#)

**M3** [1963 c. 41.](#)

**M4** [1974 c. 37.](#)

### 3 Finance and accounts of the Board.

- (1) The Secretary of State shall pay to the Board such sums out of moneys provided by Parliament as may be necessary to defray expenses incurred by the Board with his approval, so far as those expenses exceed any receipts derived from the exercise of the Board's functions and are not met out of moneys provided by the Parliament of Northern Ireland, or by the Atomic Energy Authority or the Medical Research Council, or out of moneys from other sources.
- (2) The powers of the Atomic Energy Authority under section 2(2) of the <sup>M5</sup>Atomic Energy Authority Act 1954 (general functions of the Authority) shall include power to contribute to the expenses of the Board, whether general or particular.
- (3) Moneys received by the Board in any financial year, whether from government departments or other persons and whether in respect of articles or property sold or services rendered or otherwise, shall be applied by the Board in such manner as the Secretary of State may, with the approval of the Treasury, direct; and any such direction may require the whole or any part of those moneys to be paid into the Consolidated Fund.
- (4) The Board shall keep proper accounts and other records and shall prepare in respect of each financial year statements of account in such form as the Secretary of State may, with the approval of the Treasury, direct; and those statements shall, on or before 30th November next following the expiration of the financial year in question, be

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submitted to the Secretary of State and transferred by him to the Comptroller and Auditor General, who shall examine and certify the statements and lay copies thereof, together with his report thereon, before each House of Parliament.

**Marginal Citations**

**M5** 1954 c. 32.

4 ..... <sup>F12</sup>

**Textual Amendments**

**F12** S. 4 repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), [ss. 27\(b\)](#), 30(1), Sch. 10 Pt. I and subsection (7) expressed to be repealed by [Official Secrets Act 1989 \(c. 6, SIF 39:2\)](#), s. 16(4), [Sch. 2](#)

**5 Provisions about Northern Ireland.**

- (1) In the application of this Act to Northern Ireland,—
- (a) references to a government department shall be construed as including references to a department of the Government of Northern Ireland;
  - (b) for the reference in section 2(5) to the <sup>M6</sup>Factories Act 1961 there shall be substituted a reference to the <sup>M7</sup>Factories Act (Northern Ireland) 1965; and
  - (c) in section 2(6),—
    - (i) for the reference to sections 1 to 51 of the <sup>M8</sup>Offices, Shops and Railway Premises Act 1963 there shall be substituted a reference to sections 1 to 50 of the <sup>M9</sup>Office and Shop Premises Act (Northern Ireland) 1966,
    - [<sup>F13</sup>(ii) for the words from “inspectors appointed” to the end of the subsection there shall be substituted the words “inspectors appointed under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978.”]
- (2) Nothing in this Act shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of this Act until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.
- (3) ..... <sup>F14</sup>
- (4) In this Act, “enactment” includes an enactment of the Parliament of Northern Ireland.

**Textual Amendments**

**F13** S. 5(1)(c)(ii) substituted for subparas. (ii) and (iii) by [S. I. 1978/1039 \(N. I. 9\)](#), [art. 52\(2\)](#)  
**F14** S. 5(3) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 41(1), [Sch. 6 Pt. I](#)

**Marginal Citations**

**M6** 1961 c. 34.  
**M7** 1965 c. 20 (N.I.).

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- M8** 1963 c. 41.  
**M9** 1966 c. 26 (N.I.)

## 6 Orders.

- (1) Orders made by the Secretary of State under sections 1(6), 2(2) . . . <sup>F15</sup>of this Act shall be made by statutory instrument and may be varied or revoked by a subsequent order so made.
- (2) No order shall be made under those subsections unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

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### Textual Amendments

- F15** Words repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30(1), [Sch. 10 Pt. I](#)

## 7 Citation, commencement and repeal.

- (1) This Act may be cited as the Radiological Protection Act 1970.
- (2) This Act shall come into force on a day appointed by the Secretary of State by order made by statutory instrument.
- (3) The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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### Modifications etc. (not altering text)

- C3** [S. 7\(2\)](#): 1.10.1970 appointed under s. 7(2) by [S. I. 1970/1330, art. 2](#)
- C4** The text of s. 7(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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## SCHEDULES

### SCHEDULE 1

Section 2.

#### THE NATIONAL RADIOLOGICAL PROTECTION BOARD, ITS MEMBERSHIP, PROCEEDINGS AND STAFF

##### *Constitution and membership*

- 1 The Board shall be a body corporate, with perpetual succession and a common seal.
- 2 Subject to the following provisions of this Schedule, a member of the Board shall hold and vacate office in accordance with the terms of his appointment.
- 3 A member of the Board may, by notice in writing addressed to the Secretary of State, resign his membership, and the chairman of the Board may by such a notice resign his office as such without resigning his membership.
- 4 A member of the Board who ceases to be a member, or ceases to be chairman thereof, shall be eligible for re-appointment.
- 5 (1) The Board—
  - (a) shall pay to the members thereof such remuneration and allowances (if any) as the Secretary of State may determine; and
  - (b) as regards any member in whose case the Secretary of State may determine, shall pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity, as may be so determined.
- (2) The approval of the Minister for the Civil Service shall be requisite to a determination under this paragraph by the Secretary of State and to the imposition thereunder by him of a requirement.

##### **Modifications etc. (not altering text)**

**C5** [Sch 1 para. 5\(2\)](#): functions of Minister for the Civil Service now exercisable by Treasury: [S. I. 1981/1670](#), [art. 2\(1\)\(c\)\(2\)](#)

6 ..... **F16**

##### **Textual Amendments**

**F16** [Sch. 1 para. 6](#) repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#)

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### *Proceedings*

- 7 The quorum of the Board and the arrangements relating to its meetings shall, subject to any directions given by the Health Ministers, be such as the Board may determine; and the Board shall have power to regulate their own procedure.
- 8 The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.
- 9 The application of the seal of the Board shall be authenticated by the signature of the secretary of the Board or of some other person authorised by the Board, either generally or specially, to act for that purpose.
- 10 Any document purporting to be a document duly executed under the seal of the Board, or to be signed on behalf of the Board, shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed or, as the case may be, signed.
- 11 It shall be within the capacity of the Board as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the purposes of its functions under this Act.
- 12 A transaction between a person and the Board shall not be invalid by reason of any non-compliance with a direction by the Health Ministers, or any one of them, under section 1 of this Act unless that person had actual notice of the direction.

### *Staff*

- 13 (1) The Board shall appoint a secretary and may appoint such other officers, and take into their employment such other persons, as they may determine.
- (2) The Board shall have power—
- (a) to pay to their officers and other persons employed by them such remuneration and allowances as the Board may determine with the approval of the Secretary of State; and
  - (b) as regards any officers or persons so employed in whose cases it may be determined by the Board with the said approval, to pay to or in respect of them such pensions, allowances or gratuities as may be so determined, or to make such payments towards the provision of such pensions, allowances or gratuities as may be so determined, or to provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.
- (3) Without prejudice to sub-paragraph (2) of this paragraph, any scheme maintained by the Atomic Energy Authority under paragraph 7(2) of Schedule 1 to the <sup>M10</sup>Atomic Energy Authority Act 1954 (power of Authority to pay pensions or provide pension schemes for their officers and employees) may apply to such officers and other persons employed by the Board as may be determined by the Board, as well as to officers and other persons employed by the Authority.
- (4) Where any officer of, or person employed by, the Board, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Board, he may be treated for the purposes of the pension scheme as if his service as a member of the Board were service as an officer of, or person employed by, the Board; and the rights of such a person under the pension scheme shall not be affected by any provision of this Act which requires that the pensions or payments towards



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the provision of pensions to be paid or made in the case of members of the Board shall be determined by the Secretary of State.

- (5) Except with the consent of the Secretary of State, the Board shall not terminate on security grounds the employment of any officer of, or person employed by, the Board.

In this sub-paragraph “security grounds” means grounds which are grounds for dismissal from the civil service of Her Majesty in accordance with any arrangements for the time being in force relating to dismissals from that service for reasons of national security.

**Modifications etc. (not altering text)**

- C6** Sch. 1 para. 13(5):function of “the Health Ministers” exercisable by the Secretary of State for Wales now exercisable (1.7.1999) by the National Assembly for Wales concurrently with the Secretary of State by S.I. 1999/672, arts. 1(2), 2, Sch. 1

**Marginal Citations**

- M10** 1954 c. 32.

SCHEDULE 2

Section 7.

ENACTMENTS REPEALED

**Modifications etc. (not altering text)**

- C7** The text of Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

| Chapter                | Short Title                          | Extent of Repeal   |
|------------------------|--------------------------------------|--|
| 11 & 12 Geo. 6. c. 37. | The Radioactive Substances Act 1948. | Section 3(11).<br>Section 4(6).<br>Section 5(5).<br>Section 6. |
| 1965 c. 4.             | The Science and Technology Act 1965. | Section 5(3).  |

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**Changes to legislation:**

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