



Radioactive Material (Road Transport) Act 1991

1991 CHAPTER 27

3 Prohibitions and directions

- (1) If it appears to an inspector or examiner, 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 section 2 above;
 - (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 that any radioactive package or packaging component fails to comply with any regulations under section 2 above, 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 section 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 or examiner imposes a prohibition under subsection (1) above, he may also by a direction in writing require the person in charge of the vehicle to remove it (and, if it is 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 or examiner imposes a prohibition under this section, 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—

Status: This is the original version (as it was originally enacted).

- (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 subsection (4) above 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 section shall come into force as soon as notice of it has been given in accordance with subsection (5) above and shall continue in force—
 - (a) until it is removed under subsection (7) below; 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 subsection (1) above may be removed by any inspector or examiner, and a prohibition under subsection (2) above may be removed by any inspector, if he is satisfied—
 - (a) in the case of a prohibition imposed in consequence of a failure to comply with any regulations under section 2 above, 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 or examiner 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 section, or fails to comply with a direction under subsection (4) above, shall be guilty of an offence.