

2018 No. 1278

EXITING THE EUROPEAN UNION

RADIOACTIVE SUBSTANCES

PUBLIC HEALTH

The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2018

Sift requirements satisfied 6th November 2018

Made - - - - 30th November 2018

Laid before Parliament 3rd December 2018

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018^(a).

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation and commencement

1. These Regulations may be cited as the Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

Amendment of Regulations

2.—(1) The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018 ^(b) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) Omit “orphan source”;
- (b) After the words “have the same meaning as in the Basic Safety Standards Directive”, insert the following definitions—

““orphan source” means a radiation source incorporating radioactive material for the purpose of utilising its radioactivity which is—

^(a) 2018 c.16.
^(b) S.I. 2018/482.

- (a) not held subject to an environmental permit granted under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016^(a) (“the 2016 Regulations”);
- (b) not held in accordance with the conditions of an exemption from the requirement for an environmental permit under Part 6 of Schedule 23 to the 2016 Regulations;
- (c) not held subject to an authorisation under the Environmental Authorisations (Scotland) Regulations 2018^(b);
- (d) not registered under section 7 of the Radioactive Substances Act 1993^(c); and
- (e) not held in accordance with the terms of a nuclear site licence;

“nuclear site licence” has the same meaning as in section 1 of the Nuclear Installations Act 1965^(d);

“protective measures” means measures, other than remedial measures, for the purpose of avoiding or reducing doses that might otherwise be received in an exposure situation;

“radioactive material” means material incorporating any substance that contains one or more radionuclides the activity or activity concentration of which cannot be disregarded from a radiation protection point of view;

“radiation source” means an entity that may cause exposure, such as by emitting ionising radiation or by releasing radioactive material;

“remedial measures” means the removal of a radiation source or the reduction of its magnitude (in terms of activity or amount) or the interruption of exposure pathways or the reduction of their impact for the purposes of avoiding or reducing doses that might otherwise be received in an exposure situation.”

(3) In regulation 6(4)(c), for “the requirements of Article 102 of the Basic Safety Standards Directive” substitute “the requirements set out in the Schedule”.

(4) After regulation 14, insert the following Schedule—

“SCHEDULE

Regulation 6(4)(c)

Requirements for the development and implementation of strategies

1. The requirements referred to in regulation 6(4)(c) are:

- (a) To assign responsibilities for the implementation of strategies for the management of the identified exposure situation, ensuring appropriate coordination between relevant parties involved in the implementation of remedial and protective measures.
- (b) To provide, as appropriate, for the involvement of stakeholders in decisions regarding the development and implementation of strategies for managing the identified exposure situation.
- (c) To optimise the form, scale and duration of all protective measures considered for implementation of the strategy.
- (d) To assess the distribution of doses that has resulted from implementation of the strategy and to consider any further efforts needed to optimise protection and reduce any exposures that remain above the reference level.
- (e) To make regular evaluations of the available remedial and protective measures for achieving the strategy objectives.

(a) S.I. 2016/1154.

(b) S.S.I. 2018/219.

(c) 1993 c. 12. Section 7 of the Radioactive Substances Act 1993 was repealed, in relation to England and Wales, by S.I. 2016/1154 and, in relation to Scotland, by S.S.I. 2018/219.

(d) 1965 c. 57; section 1 was replaced by the Energy Act 2013 (c. 32), Schedule 12, paragraph 17.

- (f) To make regular evaluations of the efficiency of planned and implemented measures.
- (g) To provide regular information to exposed members of the public on the potential health risks and means available for reducing their exposure.
- (h) To provide regular guidance on managing the exposure at an individual or local level.
- (i) Where an activity involves naturally occurring radioactive material, and this is not managed as a planned exposure situation, to provide regular information on appropriate means for monitoring concentrations and exposures and for taking protective measures.”

30th November 2018

Richard Harrington
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) (“the Act”) and make amendments to the Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018 (“the Regulations”) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(g) of the Act) arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2(2) removes the cross reference in the Regulations to the definition of “orphan source” in the Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation and repealing Council Directive 89/618/ Euratom, 90/641/ Euratom, 96/29/ Euratom, 97/43/ Euratom and 2003/122/ Euratom (“the Directive”) and inserts a new definition of “orphan source”.

Regulation 2(3) amends regulation 6(4)(c) of the Regulations, removing the cross reference to Article 102 of the Directive and inserting a requirement that management strategies are to be developed and implemented taking into account the requirements of the new Schedule.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum has been prepared and is available alongside this instrument at www.legislation.gov.uk.

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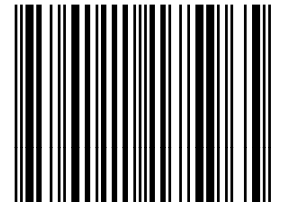
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