

## STATUTORY INSTRUMENTS

### 2018 No. 482

## The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018

### PART 2

#### Land and other exposure situations

3. In this Part, “appropriate minister” means—
- (a) in relation to a function so far as exercisable within devolved competence within the meaning of the Scotland Act 1998 <sup>M1</sup>, the Scottish Ministers;
  - (b) in relation to a function so far as exercisable within devolved competence within the meaning of the Government of Wales Act 2006 <sup>M2</sup>, the Welsh Ministers;
  - (c) in relation to a function so far as it deals with a transferred matter within the meaning of the Northern Ireland Act 1998 <sup>M3</sup>, a Northern Ireland department;
  - (d) otherwise, the Secretary of State.

#### Marginal Citations

**M1** 1998 c.46. See section 54.

**M2** 2006 c. 32. See section 58A, inserted by the [Wales Act 2017 \(c. 4\)](#), [section 19](#).

**M3** 1998 c.47. See section 4. There are amendments to section 4 not relevant to these Regulations.

#### Measures to be taken in relation to exposures from land

- 4.—(1) This regulation applies where—
- (a) land is contaminated as a result of the after-effects of an emergency, past practice or past work activity; and
  - (b) the level of exposure of members of the public to ionising radiation cannot be disregarded from a radiation protection point of view.
- (2) But this regulation does not apply while any part of an emergency plan is in effect in relation to the land in accordance with either of the following provisions—
- (a) [F1paragraph (3) of regulation 17 of the Radiation (Emergency Preparedness and Public Information) Regulations 2019];
  - (b) [F2paragraph (3) of regulation 16 of the Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2019].
- (3) The appropriate minister must set a reference level for the land, taking into account—
- (a) principles of radiological protection and societal criteria; and
  - (b) the range of reference levels set out in Annex I to the Basic Safety Standards Directive.

(4) Before the resumption of habitation, or economic or social activities, on the land, the appropriate minister must ensure that appropriate arrangements are established for the on-going control of exposure of members of the public to ionising radiation, with the aim of establishing living conditions that can be considered as normal, including—

- (a) the establishment of an infrastructure to support continuing self-help protective measures in the affected area, which may include the provision of information, advice and monitoring;
- (b) remediation measures; and
- (c) the delineation of the area.

(5) In this regulation, “reference level” means the level of effective dose or equivalent dose above which optimisation of radiation protection for members of the public must be prioritised.

#### Textual Amendments

- F1** Words in reg. 4(2)(a) substituted (E.W.S.) (22.5.2019) by [The Radiation \(Emergency Preparedness and Public Information\) Regulations 2019 \(S.I. 2019/703\)](#), reg. 1(1), **Sch. 10 para. 14** (with reg. 3)
- F2** Words in reg. 4(2)(b) substituted (N.I.) (1.11.2019) by [The Radiation \(Emergency Preparedness and Public Information\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/185\)](#), reg. 1, **Sch. 9 para. 6** (with reg. 3)

### Provision of information concerning public exposures from radioactive contaminated land

5.—(1) In this regulation, “designated site” means—

- (a) land which has been designated by a local authority as a special site under section 78C of the Environmental Protection Act 1990 <sup>M4</sup> as applied with modifications by the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006 <sup>M5</sup> in relation to land in England and as applied with modifications by the Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006 <sup>M6</sup> in relation to land in Wales;
- (b) land which has been designated by the Scottish Environment Protection Agency as a special site under section 78BC of the Environmental Protection Act 1990 as applied with modifications by the Radioactive Contaminated Land (Scotland) Regulations 2007 <sup>M7</sup>;
- (c) land which has been identified by the Chief Inspector in accordance with regulation 3(2) of the Radioactive Contaminated Land Regulations (Northern Ireland) 2006 <sup>M8</sup>.

(2) The appropriate minister must ensure that information on the following matters is provided to members of the public exposed to ionising radiation from a designated site—

- (a) the potential health risks of their exposure; and
- (b) the available means for reducing their exposure.

(3) The appropriate minister must, for each designated site, publish guidance concerning the management of exposure to ionising radiation from that site.

#### Marginal Citations

- M4** [1990 c.43](#). Sections 78A to 78YC were inserted by section 57 of the Environment Act 1995. There are amendments to these sections not relevant to these Regulations.
- M5** [S.I. 2006/1379](#) as amended by [S.I. 2007/3245](#), [S.I. 2008/520](#) and [S.I. 2010/2147](#). [S.I. 2016/562](#) also makes amendments which are not yet in force.

- M6** S.I. 2006/2988, as amended by S.I. 2007/3250, S.I. 2008/521 and S.I. 2010/2146. S.I. 2016/562 and S.I. 2018/429 also make amendments which are not yet in force. There are other amendments which are not relevant to these Regulations.
- M7** S.S.I. 2007/179, as amended by S.I. 2007/3240, S.S.I. 2009/202 and S.I. 2010/2153. S.I. 2016/562 also makes amendments which are not yet in force. S.S.I. 2007/179 modifies the Act by inserting section 78BC.
- M8** S.R. (N.I.) 2006 No.345 as amended by S.R. (N.I.) 2007 No. 3236 and S.R. (N.I.) 2010 No. 2145.

### Measures to be taken in other exposure situations

6.—(1) This regulation applies where the Scottish Ministers, the Welsh Ministers, a Northern Ireland department or the Secretary of State receives evidence about either of the following situations—

- (a) the indoor exposure of members of the public to ionising radiation from building material incorporated into buildings or parts of buildings which cannot be disregarded from a radiation protection point of view;
- (b) the exposure of members of the public to ionising radiation from contaminated commodities which cannot be disregarded from a radiation protection point of view.

(2) The appropriate minister must ensure that measures are taken to identify and evaluate the level of exposure of members of the public to ionising radiation.

(3) The appropriate minister must ensure that a strategy is in place to manage, as appropriate, any health risks identified as a result of the measures taken under paragraph (2).

(4) The appropriate minister must ensure that the strategy—

- (a) sets objectives;
- (b) sets an appropriate reference level; and
- (c) is developed and implemented taking into account [<sup>F3</sup>the requirements set out in the Schedule].

(5) In this regulation—

“contaminated commodities” means commodities which incorporate—

- (a) radionuclides from land contaminated as a result of the after-effects of an emergency, past practice or past work activity; or
- (b) naturally occurring radionuclides;

but does not include food, drinking water and animal feeding stuffs;

“reference level” means the level of effective dose, equivalent dose or activity concentration above which optimisation of radiation protection for members of the public must be prioritised.

### Textual Amendments

- F3** Words in reg. 6(4)(c) substituted (31.12.2020) by *The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2018* (S.I. 2018/1278), regs. 1, 2(3); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018, PART 2.