

**EXPLANATORY MEMORANDUM TO**  
**THE RADIATION EMERGENCY AND CONSULTATION REGULATIONS 2021**  
**2021 No. 1110**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Business, Energy and Industrial Strategy (BEIS) and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 This instrument will amend the Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPPIR 2019) and the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (CDGR 2009) to replace references to Public Health England (PHE) with references to the UK Health Security Agency (UKHSA).
- 2.2 In relation to the amendments to REPPPIR 2019, this instrument also makes provision to account for any future updates to the United Kingdom's Emergency Reference Levels (ERLs). This has been done by specifying that the version of the United Kingdom's Emergency Reference Levels (ERLs) published by PHE must be used if and until it is superseded by a version published by the UKHSA.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is the United Kingdom.
- 4.2 The territorial application of this instrument is Great Britain.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**6. Legislative Context**

- 6.1 This instrument is being made to make minor amendments to the text of REPPPIR 2019 and CDGR 2009, replacing all references to PHE with UKHSA. This reflects the abolition of PHE and the taking on of its relevant functions by UKHSA.

**7. Policy background**

*What is being done and why?*

- 7.1 This instrument amends REPPPIR 2019 and the CDGR 2009 to replace references to PHE with references to the UKHSA.

- 7.2 These amendments are necessary because PHE, an executive agency of the Department of Health and Social Care (DHSC), is being abolished. The UKHSA, also an executive agency of DHCS, will take on the relevant functions of PHE.
- 7.3 If no changes were made to legislation, both REPPIR 2019 and the CDGR 2009 would require duty holders to consult a defunct executive agency (PHE), instead of the relevant agency (UKHSA). In respect of REPPIR 2019, consultation is required when making or reviewing emergency plans. In respect of CDGR 2009, consultation is required in the event of an emergency.
- 7.4 In relation to the amendments to REPPIR 2019, this instrument also makes provision to account for any future updates to the United Kingdom's ERLs. ERLs are dose criteria, representing the predicted upper and lower averted dose of radiation over a period of up to 7 days following a release. ERLs can be used to provide an estimate on the doses averted by urgent protective actions such as sheltering-in-place, evacuation, and administration of stable iodine, and to explore whether these actions can be optimised, or whether further actions are necessary.
- 7.5 The instrument specifies that the version of the United Kingdom's ERLs published by PHE must be used if and until it is superseded by a version published by the UKHSA. This will ensure that if any changes are made in the future, the most up to date and correct version of the United Kingdom's ERLs is used by duty holders.
- 7.6 This instrument does not make any further changes and has no policy impact other than ensuring that duty holders consult the correct organisations and refer to the most up to date version of the ERL. It does not introduce any new regulatory burdens.

## **8. European Union Withdrawal and Future Relationship**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 BEIS does not intend to consolidate the relevant legislation at this time.

## **10. Consultation outcome**

- 10.1 BEIS has consulted directly with the Office for Nuclear Regulation (ONR), the Health and Safety Executive (HSE), the devolved Scottish and Welsh administrations, Sellafield Ltd, the Atomic Weapons Establishment (AWE) and The Radioactive Material Transport Users Committee (RAMTUC). HSE consulted on BEIS's behalf with the Health and Safety Executive for Northern Ireland (HSENI).
- 10.2 We received responses from HSE and ONR on the amendments made to the REPPIR 2019 and CDGR 2009. Both HSE and ONR noted the changes made. Both made comment on their intentions to amend the Approved Code of Practice for REPPIR 2019, which provides non-statutory guidance for operators and local authorities, to reflect the changes brought in by this instrument. HSE And ONR will also amend existing non-statutory guidance for CDGR 2009.
- 10.3 We received a response from AWE, noting the instrument as sensible but suggesting minor suggestions to the wording, which were actioned. We received a response from RAMTUC, again noting the change as acceptable.

10.4 We also received responses from the devolved Welsh and Scottish administration, noting the change and raising no objection.

## **11. Guidance**

11.1 This instrument makes only minor changes to existing regulatory standards to ensure that the UKHSA is referred to instead of PHE, and so no guidance is needed. However, ONR and HSE will amend existing non-statutory guidance, as referenced in Section 10.2, to reflect these changes.

## **12. Impact**

12.1 There is no, or no significant, impact on business, charities, or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because this instrument relates to a very minor amendment to existing regulations.

## **13. Regulating small business**

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No specific action is proposed to minimise regulatory burdens on small businesses.

13.3 The basis for the final decision on what action to take to assist small businesses is based on the fact that this legislation makes very minor amendments to existing legislation, and introduces no new regulatory burdens.

## **14. Monitoring & review**

14.1 No monitoring of this legislation is needed due to the very minor nature of the amendments.

14.2 A statutory review clause is not included in this instrument because the instruments being amended, REPPiR 2019 and CDGR 2009, both contain clauses requiring review every five years.

## **15. Contact**

15.1 Ben Hickmott at the Department for Business, Energy and Industrial Strategy Telephone: 07553703627 or email: ben.hickmott@beis.gov.uk can be contacted with any queries regarding the instrument.

15.2 Katrina McLeay, Deputy Director for Nuclear Safety, Resilience and Regulation, at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.

15.3 Right Honourable Greg Hands MP, Minister of State for Energy at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.