
STATUTORY INSTRUMENTS

1992 No. 234 (N.I. 2)

NORTHERN IRELAND

**The Radioactive Material (Road
Transport) (Northern Ireland) Order 1992**

<i>Made</i>	- - - -	<i>11th February 1992</i>
<i>Laid before Parliament</i>		<i>19th February 1992</i>
<i>Coming into operation</i>		<i>12th April 1992</i>

At the Court at Buckingham Palace, the 11th day of February 1992

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of the Radioactive Material (Road Transport) Act 1991⁽¹⁾:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974⁽²⁾ (as modified by section 8 of the said Act of 1991) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Title and commencement

1.—(1) This Order may be cited as the Radioactive Material (Road Transport) (Northern Ireland) Order 1992.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954⁽³⁾ shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order

(1) 1991 c. 27
(2) 1974 c. 28
(3) 1954 c. 33 (N.I.)

“the Department” means the Department of the Environment;

“inspector” means—

- (a) an inspector appointed under Article 9; or
- (b) a person appointed by the Department as an inspector of vehicles for the purposes of Article 57 of the Road Traffic (Northern Ireland) Order 1981(4);

“packaging”, in relation to radioactive material which has been consigned for transport, means an assembly of packaging components which encloses the material completely;

“packaging components” means components intended for use as part of the packaging of such material, and includes—

- (a) receptacles, absorbent materials, spacing structures and radiation shielding; and
- (b) devices for cooling, for absorbing mechanical shocks and for thermal insulation;

“radioactive material” has the meaning given in Article 3;

“radioactive package” means a package comprising radioactive material which has been consigned for transport and its packaging;

“transport” means transport by road.

“Radioactive material”

3. In this Order “radioactive material” means any material having a specific activity in excess of—

- (a) 70 kilobecquerels per kilogram; or
- (b) such lesser specific activity as may be specified in an order subject to negative resolution made by the Department.

Regulations

4.—(1) The Department may make such regulations as appear to it to be necessary or expedient—

- (a) to prevent any injury to health, or any damage to property or to the environment, being caused by, or by any incident arising out of, the transport of radioactive material; and
- (b) to give effect to such international regulations for the safe transport of radioactive material as may be published by the International Atomic Energy Agency.

(2) Without prejudice to the generality of paragraph (1), regulations under this Article may make provision with respect to—

- (a) the design of packaging for radioactive material and the manufacture and maintenance of packaging components;
- (b) the preparation, labelling, consignment, handling, transport, storage in transit and delivery of radioactive packages;
- (c) the placarding of vehicles used to transport such packages; and
- (d) the keeping of records and the furnishing of information.

(3) Regulations under this Article may also—

- (a) impose requirements by reference to the approval of the Department or of any person or body specified in the regulations; and

- (b) provide for such exceptions, limitations and conditions, and make such supplementary, incidental, consequential or transitional provisions, as the Department considers necessary or expedient.
- (4) Any person who contravenes any regulations under this Article shall be guilty of an offence.
- (5) Regulations under this Article shall be subject to negative resolution.
- (6) Subsection (2) of section 5 of the Radioactive Substances Act 1948(5) shall cease to have effect; and any regulations under that subsection which are in force at the commencement of this Order shall have effect as if made under this article.

Prohibitions and directions

5.—(1) If it appears to an inspector, 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 Article 4;
- (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 appointed under Article 9 that any radioactive package or packaging component fails to comply with any regulations under Article 4, 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 Article 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 imposes a prohibition under paragraph (1), he may also by a direction in writing require the person in charge of the vehicle to remove it (and, if it is a 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 imposes a prohibition under this Article, 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—

- (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 paragraph (4) 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 Article shall come into force as soon as notice of it has been given in accordance with paragraph (5) and shall continue in force—

- (a) until it is removed under paragraph (7); 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 paragraph (1) may be removed by any inspector, and a prohibition under paragraph (2) may be removed by any inspector appointed under Article 9, if he is satisfied—

- (a) in the case of a prohibition imposed in consequence of a failure to comply with any regulations under Article 4, 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 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 Article, or fails to comply with a direction under paragraph (4), shall be guilty of an offence.

Enforcement notices

6.—(1) If an inspector appointed under Article 9 is of the opinion that any person is failing or is likely to fail to comply with any regulations under Article 4 which make provision for regulating the manufacture, or requiring the maintenance, of packaging components, he may serve a notice under this Article on that person.

(2) A notice under this Article shall—

- (a) state that the inspector is of the opinion described in paragraph (1);
- (b) specify the matters constituting the failure to comply with the regulations in question or the matters making it likely that such a failure will occur, as the case may be;
- (c) specify the steps that must be taken in order to remedy those matters and the period within which those steps must be taken.

(3) Any person who fails to comply with a notice under this Article shall be guilty of an offence.

Powers of entry

7.—(1) An inspector shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours—

- (a) to enter any vehicle used to transport radioactive packages for the purpose of ascertaining—
 - (i) whether the vehicle, or any radioactive package which is being transported by it, fails to comply with any regulations under Article 4;
 - (ii) whether the vehicle, or any radioactive package which is or was being transported by it, has been involved in an accident; and
 - (iii) whether 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; and
- (b) in the case of an inspector appointed under Article 9, to enter any premises for the purpose of ascertaining whether there is on the premises any vehicle used for transporting radioactive packages, or any radioactive package or packaging component which fails to comply with regulations under Article 4.

(2) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for entering any vehicle or premises for any such purpose as is mentioned in paragraph (1) and either—

- (a) that admission to the vehicle or premises has been refused, or a refusal is apprehended, and (in the case of premises) that notice of the intention to apply for the warrant has been given to the occupier; or
- (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or (in the case of premises) that they are unoccupied or the occupier temporarily absent,

he may by warrant signed by him authorise the inspector to enter and search the vehicle or premises, using reasonable force if need be.

(3) A warrant granted under this Article shall continue in force until executed.

(4) An inspector who enters any vehicle or premises by virtue of this Article, or of a warrant issued under it, may seize anything which he has reasonable grounds for believing is evidence in relation to an offence under Article 4(4).

(5) Any person who intentionally obstructs any person exercising any power conferred by this Article, or by a warrant issued under it, shall be guilty of an offence.

(6) If any person who enters any vehicle or premises by virtue of this Article, or of a warrant issued under it, discloses any information thereby obtained with respect to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

Offences and penalties

8.—(1) Any person guilty of an offence under Article 7(5) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Any person guilty of any other offence under this Order shall be liable—

- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;
- (b) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding two months or to both.

(3) The court by or before which any person is convicted of an offence under Article 4(4) or 5(8) in respect of any radioactive material may order the material to be destroyed or disposed of and any expenses reasonably incurred in connection with the destruction or disposal to be defrayed by that person.

Appointment of inspectors

9.—(1) The Department may appoint as inspectors, to assist it in the execution of this Order and regulations made under it, such number of persons appearing to the Department to be qualified for the purpose as the Department may consider necessary.

(2) The Department may make to or in respect of any person so appointed such payments by way of remuneration, allowances or otherwise as the Department may, with the approval of the Department of Finance and Personnel, determine.

Repeals

10. The provisions of the Radioactive Substances Act 1948(6) specified in the third column of the Schedule are hereby repealed.

G. I. de Deney
Clerk of the Privy Council

SCHEDULE

REPEALS

Chapter	Short title	Extent of repeal
1948 c. 37.	The Radioactive Substances Act 1948.	<p>In section 5, subsection (2) and in subsection (6) the words from “and for the purposes of subsection (2)” to the end.</p> <p>In section 7, in subsection (1) the words “or any vehicle, vessel or aircraft” and the words “vehicle, vessel or aircraft”, and in subsection (2) the words “vehicle, vessel or aircraft” in both places where they occur.</p>

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made only for purposes corresponding to those of the Radioactive Material (Road Transport) Act 1991 (c. 27).

Article 4 gives the Department of the Environment power to make regulations for the safe transport by road of radioactive material in Northern Ireland. Article 5 enables inspectors to prohibit the driving of a vehicle used to transport radioactive packages and to give directions. Articles 6 and 7 make provision for enforcement notices and powers of entry. Article 9 enables qualified persons to be appointed as inspectors.