

**EXPLANATORY MEMORANDUM TO**  
**The Radioactive Substances (Modification of Enactments) Regulations**  
**(Northern Ireland) 2018**

**Insert SR no. 116**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and sections 8(6), 8(7), 8(8), 15(2), 15(3), 45(1) and 45(2) of the Radioactive Substances Act 1993 and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. These Regulations are part of a package of measures to transpose 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, 94/491/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (the Basic Safety Standards Directive). The Regulations cover provisions in relation to planned public exposure situations and existing public exposure provisions by amending the Radioactive Substances Act 1993, the Radioactive Substances Exemption (Northern Ireland) Order 2011, the High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005, the Radioactive Substances (Basic Safety Standards) Regulations (Northern Ireland) 2003 and the Radioactive Contaminated Land Regulations (Northern Ireland) 2006. These Regulations also implement some additional measures to streamline and clarify existing legislation.

**3. Background**

- 3.1. The Basic Safety Standards Directive (BSSD) updates existing Euratom radiation safety legislation bringing it into line with the international standards and recommendations issued by the Atomic Energy Agency and the International Commission of Radiological Protection. It lays down minimum standards for medical, occupational and public radiation exposures and requirements for emergency exposure situations. These four exposure types are managed in the UK by a number of different regulatory regimes and are being transposed by several government departments. This Statutory Rule covers provisions in relation to planned public exposure situations and existing public exposure provisions only and ensures that members of the public are protected from exposure to ionising radiation in line with the BSSD.
- 3.2. The objective of these Regulations is to ensure that members of the public are protected from exposure to ionising radiation in line with the requirements of BSSD and that the required standard of protection is achieved efficiently. The Euratom Community has established a set of

basic safety standards to protect workers, members of the public and patients against the dangers arising from ionising radiation.

- 3.3. Existing radioactive substances regulations in Northern Ireland are mostly in line with the requirements of BSSD. This Rule implements additional requirements to bring the existing regulations fully in line with the BSSD.

#### **4. Consultation**

- 4.1. A UK-wide public consultation on the policy proposals was held from 5 October 2017 to 15 November 2017 (6 week period). An event was also held where professional bodies, industry associations, private and public sector organisations were invited to hear presentations on the policy proposals.
- 4.2. A total of 48 responses were received from a wide range of public and professional bodies engaged in radioactive substances activities - no responses were received from Northern Ireland. The majority of responses supported the policy proposals - the full government response can be found at the gov.uk website.

#### **5. Equality Impact**

- 5.1. In accordance with guidance produced by the Equality Commission for Northern Ireland and in keeping with Regulation 75 of the Northern Ireland Act 1998, the proposals in this Statutory Rule have been screened for equality impact and it is concluded that a full Equality Impact Assessment is not required.

#### **6. Regulatory Impact**

- 6.1. An Regulatory Impact Assessment is not attached to this memorandum as the impact on authorised persons and the public sector is negligible because the Regulations only amend provisions which are already applicable and in operation in Northern Ireland.

#### **7. Financial Implications**

- 7.1. The final estimated Equivalent Annual Net Direct Costs to Business on a UK-wide basis is -£4.6m (i.e. a £4.6m benefit). This is largely driven by the commensurate approach of BSSD allowing for authorised persons to make cost saving measures, while maintaining the high standards of safety.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. This Statutory Rule is not deemed to breach Section 24 of the Northern Ireland Act 1998 as it is considered to be compatible with any of the Convention rights or community law and does not discriminate against a person on the grounds of religious belief or political opinion.

#### **9. EU Implications**

- 9.1. This Statutory Rule is being made to implement a European obligation, set out in European Council Directive 2013/59/EURATOM, which had a transposition date of 6 February 2018.
- 9.2. The Statutory Rule is required for transposition of the Directive into Northern Ireland legislation in relation to provisions for planned public

exposure situations and existing public exposure. It does not seek to exceed the Directive's requirements.

- 9.3. A Transposition Note has been prepared to cover transposition of all pertinent aspects of the Directive in Northern Ireland.

#### **10. Parity or Replicatory Measure**

- 10.1. Separate similar provision has been made to transpose the provisions for planned public exposure situations and existing public exposure aspects of the Directive into GB legislation.

#### **11. Additional Information**

- 11.1. Not applicable.