

SCHEDULE 23

Radioactive substances activities

PART 4

The HASS Directive

SECTION 3

Exercise of relevant functions and matters in relation to orphan sources

General

5.—(1) In exercising relevant functions in relation to a radioactive substances activity, the regulator must comply with the following provisions of the HASS Directive—

- (a) Article 3(2) and (3);
- (b) Article 4;
- (c) Article 5(1) and (2);
- (d) Article 6;
- (e) subject to sub-paragraph (2), Article 7(1) and (2).

(2) In relation to a high-activity source placed on the market before 31st December 2005, sub-paragraph (1)(e) has effect as if it referred to the provisions contained in Article 16(1)(b) of the HASS Directive.

Records and inspections

6. In relation to a high-activity source, the regulator must—

- (a) keep records of those matters—
 - (i) required by Article 5(3) and (4) of the HASS Directive; and
 - (ii) notified to it under Article 6 of that Directive;and
- (b) establish or maintain a system of inspections to enforce the following provisions of the HASS Directive—
 - (i) Articles 3 to 6;
 - (ii) as appropriate, Article 7(1) and (2) or Article 16(1)(b).

Training and information

7.—(1) In relation to a high-activity source, the appropriate training and adequate information required by the Ionising Radiations Regulations 1999⁽¹⁾ must include—

- (a) specific requirements for the safe management of such a source;
- (b) particular emphasis on the necessary safety requirements in relation to such a source; and
- (c) specific information on possible consequences of the loss of adequate control of such a source.

(1) [S.I. 1999/3232](#).

(2) The training and information on the matters in sub-paragraph (1) must be repeated at regular intervals and documented, with a view to preparing the employees and other persons referred to in those Regulations for such matters.

Orphan sources

8.—(1) The regulator must—

- (a) be prepared, or have made provision (including the assignment of responsibilities), to recover any orphan source; and
- (b) have drawn up appropriate response plans and measures.

(2) The regulator may recover any expenses reasonably incurred by it in the recovery and disposal of an orphan source from—

- (a) the person carrying on the radioactive substances activity involving that source; or
- (b) the occupier or owner of the premises where the source is located.

(3) In relation to sub-paragraph (2)—

- (a) “owner” has the same meaning as in section 343 of the Public Health Act 1936⁽²⁾; and
- (b) the provisions of section 294 of that Act (which limits the liability of owners who are only agents or trustees) apply but as if reference in that section to a council recovering expenses under that Act were to the regulator recovering expenses under sub-paragraph (2).

(2) 1936 c. 49.