

2003 No. 1867

**ATOMIC ENERGY AND RADIOACTIVE
SUBSTANCES**

**The Radioactive Material (Road Transport) (Amendment)
Regulations 2003**

Made - - - - - 21st July 2003

Laid before Parliament 30th July 2003

Coming into force - - 22nd August 2003

The Secretary of State for Transport, in exercise of his powers under section 2(1), (2) and (3) of the Radioactive Material (Road Transport) Act 1991(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Radioactive Material (Road Transport) (Amendment) Regulations 2003 and shall come into force on 22nd August 2003.

Amendments

2.—(1) The Radioactive Material (Road Transport) Regulations 2002(b) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation etc.)—

(a) in paragraph (1)—

(i) for the words “1st July 2001” there shall be substituted “1st July 2003”;

(ii) for the words “Commission Directive 2001/7/EC” there shall be substituted “Commission Directive 2003/28/EC”(c);

(b) in paragraph (2) there shall be inserted in the appropriate alphabetical position the definition of “emergency arrangements” which is currently in regulation 66.

(3) In regulation 5 (non-application of Regulations) in paragraph (1)(f)(ii) for the word “consignment” there shall be substituted “conveyance”.

(4) In regulation 41 (particular requirements and controls applicable in the case of the transport of excepted packages)—

(a) in paragraph (1) for the words “this Part and of Part VIII” there shall be substituted “this Part and of Part VII (further responsibilities of consignors and carriers) and of Part VIII”, and

(b) in paragraph (5) for the words “Table III in Schedule 1 (basic radionuclide values)” there shall be substituted “Table III in Schedule 1 (Activity Limits for Excepted Packages)”.

(5) In regulation 49 (responsibilities for carriers) paragraph (2) shall be revoked.

(a) 1991 c. 27.

(b) S.I. 2002/1093.

(c) O.J. L90 8.4.2003 p. 45.

(6) In regulation 66 (interpretation of expressions used in this Part) the definition of “emergency arrangements” shall be omitted and the following definitions shall be inserted in the appropriate alphabetical position:

““involvement of authorities” means the direct involvement of the local or central government authorities or emergency services during the occurrence involving radioactive material and the evacuation of persons or closure of public roads for at least three hours owing to the danger posed by the radioactive material;”

““loss of product means:

- (a) any release of radioactive material from its packaging;
- (b) exposure of radioactive material, which results in a breach of the limits set out in the regulations for protection of workers and members of the public against ionizing radiation contained in Schedule II of IAEA Safety Series No. 115—“International Basic Safety Standards for Protection Against Ionizing Radiation and for Safety of Radiation Sources”; or
- (c) there is reason to believe that there has been a significant degradation in any package safety function (containment, shielding, thermal protection or criticality) that may render the package unsuitable for continued carriage without additional safety measures;”

““material damage” or “environmental damage” means the release of radioactive material, irrespective of the quantity, where the estimated amount of liability exceeds 50,000 Euros, without taking into account liability for damage to the modal infrastructure or to any means of carriage which is directly involved in the carriage of the radioactive material;”

““personal injury” means death or injury directly relating to exposure to the radioactive material carried by the vehicle, and where the injury

- (a) requires intensive medical treatment, or a stay in hospital of at least one day; or
- (b) results in the inability to work for at least three consecutive days;”.

(7) In regulation 66 (interpretation) in the definition of a “notifiable event” after “occurs” in sub-paragraph (d) the word “and” shall be deleted, and the following sub-paragraphs shall be added:

- “(e) there is an imminent risk of loss of product;
- (f) a person has suffered personal injury;
- (g) material damage or environmental damage has occurred, or
- (h) the authorities are involved; and”.

(8) In regulation 69 (Duties of drivers, carriers and consignors in the event of an occurrence of a radiological emergency) at sub-paragraph (3)(c) for the word “reasonable” there shall be substituted “reasonably” and after paragraph (5) the following new paragraphs shall be added:

“(6) The carrier must in the event that a notifiable event occurs ensure that a report is made forthwith to the competent authority.

(7) The report required under paragraph (6) shall be in a form which has been approved by the competent authority and shall contain all relevant information which the competent authority has communicated to the carrier that it considers necessary.”

(9) In Schedule 1 (tables) at the second column of table VII there shall be inserted, appropriate to transport index condition 0^a, for the word “more” shall be substituted “not more”.

(10) In Schedule 7 (responsibilities of carriers) in paragraph 4 there shall be added at the end “and vehicles must be secured in accordance with the provisions of ADR chapter 8.4.”.

(11) In Schedule 8 (requirements for radioactive materials and for packagings and packages) in Part XIII (requirements for type C packages) sub-paragraph 3(c) shall be deleted and after sub-paragraph 3(b) shall be inserted:

“it would meet the following requirements:

- (i) it would retain sufficient shielding to ensure that the radiation level at 1 metre from the surface of the package would not exceed 10 mSv/h with the maximum radioactive contents which the package is designed to contain, and
- (ii) it would restrict the accumulated loss of radioactive contents in a period of one week to not more than 10A₂ for krypton – 85 and not more than A₂ for all other radionuclides.”

Signed by the authority of the Secretary of State for Transport

21st July 2003

David Jamieson
Parliamentary Under-Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Radioactive Material (Road Transport) Regulations 2002 (“the 2002 Regulations”) so that they, when giving effect to the international agreement on the provision of an acceptable level of control of radiation, criticality and thermal hazards to persons, property and the environment associated with the transport of radioactive material, take into account amendments—

- (a) to the Regulations for the Safe Transport of Radioactive Material (1996 Edition (Revised)) published by the International Atomic Energy Authority and adapted by the European Agreement concerning the international carriage of dangerous goods by road (“ADR”) (Vol I ISBN 92-1-139079-6 and Vol II ISBN 92-1-139078-80, (*Regulations 2(2)(b), (6) and (7)*) and
- (b) contained in Commission Directives up to 1st July 2003 (*regulation 2(2)(a)*).

These regulations also correct textual errors and omissions in the 2002 Regulations (*Regulation 2(3) to (5) and (8)–(11)*).

Copies of ADR can be obtained from the Stationery Office.

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