

## SCHEDULE 23

### Radioactive substances activities

## PART 4

### The HASS Directive

#### SECTION 1

#### *Security of sources*

#### **Interpretation**

**1.** In this Part—

“the HASS Directive” means Council Directive 2003/122/EURATOM(1) on the control of high-activity sealed radioactive sources and orphan sources;

“high-activity or similar source” means—

- (a) a high-activity source; or
- (b) such other sealed source which, in the opinion of the regulator, is of a similar level of potential hazard to a high-activity source;

“high-activity source” has the same meaning as in the HASS Directive but excluding any such source once its activity level has fallen below the exemption levels specified in column 2 of Table A to Annex I to the Basic Safety Standards Directive;

“orphan source” has the same meaning as in the HASS Directive; and

“sealed source” has the same meaning as in the HASS Directive.

#### **Site security: inspection**

**2.—**(1) In exercising relevant functions in relation to a radioactive substances activity, the regulator must comply with sub-paragraph (3) where a high-activity or similar source is, or will be, kept, used, disposed of or accumulated on any premises.

(2) Sub-paragraph (1) does not apply where the premises are, or are part of, a nuclear site.

(3) In considering if the measures taken, or to be taken, by the operator ensure the adequate security of any premises, the regulator must where appropriate inspect those premises.

(4) Where the regulator inspects any premises under sub-paragraph (3), it may be accompanied by such other persons as are appropriate to assist it in assessing the measures.

(5) An operator must permit the regulator (and any person accompanying it) reasonable access to any premises the regulator wishes to inspect under sub-paragraph (3).

(6) If the operator fails to comply with sub-paragraph (5), the regulator may refuse the application or revoke the permit insofar as it relates to the sources referred to in sub-paragraph (1).

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(1) OJ No L 346, 31.12.2003, p 57.

**Site security: security measures and advice**

3.—(1) In exercising relevant functions in relation to a radioactive substances activity, the regulator must comply with sub-paragraph (2) where a high-activity or similar source is, or will be, kept, used, disposed of or accumulated on any premises.

- (2) The regulator—
  - (a) must be satisfied that there are in place measures concerning site security, including the security measures in sub-paragraph (3), as are appropriate to the source and premises in question;
  - (b) where it considers it appropriate to do so, must consult the police, security services or other appropriate persons on site security;
  - (c) must have regard to any advice given by them, if it is issued within such time as the regulator believes is reasonable before it exercises a relevant function; and
  - (d) must impose appropriate environmental permit conditions concerning site security.
- (3) The security measures referred to in sub-paragraph (2)(a) are—
  - (a) measures to ensure the physical security of the premises, including the installation of alarm and detection systems, and the retaining of documentary evidence of those measures;
  - (b) measures, which are evidenced in writing—
    - (i) to prevent unauthorised access to, or loss or theft of, a high-activity or similar source;
    - (ii) to detect such matters; and
    - (iii) to review and enhance the physical security of the premises in response to any increased risk of unauthorised access, loss or theft;
  - (c) written procedures to ensure that before a person is authorised to have access to a high-activity or similar source—
    - (i) that person has passed checks to verify their identity, and
    - (ii) satisfactory written references have been obtained which confirm, as far as reasonably practicable, that there is no information to indicate that the person presents any security risk to the sources; and
  - (d) measures to keep secure, and prevent unauthorised access to, information relating to—
    - (i) a high-activity or similar source, and
    - (ii) the measures referred to in paragraphs (a), (b) and (c).