
STATUTORY INSTRUMENTS

2018 No. 482

**The Ionising Radiation (Basic Safety Standards)
(Miscellaneous Provisions) Regulations 2018**

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018 and come into force on 8th May 2018.

Interpretation

2. In these Regulations—

“Basic Safety Standards Directive” means Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom⁽¹⁾;

“building material”⁽²⁾, “effective dose”⁽³⁾, “emergency”⁽⁴⁾, “equivalent dose”⁽⁵⁾, “ionising radiation”⁽⁶⁾, “orphan source”⁽⁷⁾ and “practice”⁽⁸⁾ have the same meaning as in the Basic Safety Standards Directive.

PART 2

Land and other exposure situations

3. In this Part, “appropriate minister” means—

(a) in relation to a function so far as exercisable within devolved competence within the meaning of the Scotland Act 1998⁽⁹⁾, the Scottish Ministers;

(b) in relation to a function so far as exercisable within devolved competence within the meaning of the Government of Wales Act 2006⁽¹⁰⁾, the Welsh Ministers;

(1) OJ No L 13, 17.01.2014, p 1.

(2) See Article 4.9 of the Basic Safety Standards Directive (the Directive).

(3) See Article 4.25 of the Directive.

(4) See Article 4.26 of the Directive.

(5) See Article 4.33 of the Directive.

(6) See Article 4.46 of the Directive.

(7) See Article 4.60 of the Directive.

(8) See Article 4.65 of the Directive.

(9) 1998 c.46. See section 54.

(10) 2006 c. 32. See section 58A, inserted by the Wales Act 2017 (c. 4), section 19.

- (c) in relation to a function so far as it deals with a transferred matter within the meaning of the Northern Ireland Act 1998(11), a Northern Ireland department;
- (d) otherwise, the Secretary of State.

Measures to be taken in relation to exposures from land

4.—(1) This regulation applies where—

- (a) land is contaminated as a result of the after-effects of an emergency, past practice or past work activity; and
- (b) the level of exposure of members of the public to ionising radiation cannot be disregarded from a radiation protection point of view.

(2) But this regulation does not apply while any part of an emergency plan is in effect in relation to the land in accordance with either of the following provisions—

- (a) paragraph (2) of regulation 13 (implementation of emergency plans) of the Radiation (Emergency Preparedness and Public Information) Regulations 2001(12);
- (b) paragraph (2) of regulation 13 (implementation of emergency plans) of the Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2001(13).

(3) The appropriate minister must set a reference level for the land, taking into account—

- (a) principles of radiological protection and societal criteria; and
- (b) the range of reference levels set out in Annex I to the Basic Safety Standards Directive.

(4) Before the resumption of habitation, or economic or social activities, on the land, the appropriate minister must ensure that appropriate arrangements are established for the on-going control of exposure of members of the public to ionising radiation, with the aim of establishing living conditions that can be considered as normal, including—

- (a) the establishment of an infrastructure to support continuing self-help protective measures in the affected area, which may include the provision of information, advice and monitoring;
- (b) remediation measures; and
- (c) the delineation of the area.

(5) In this regulation, “reference level” means the level of effective dose or equivalent dose above which optimisation of radiation protection for members of the public must be prioritised.

Provision of information concerning public exposures from radioactive contaminated land

5.—(1) In this regulation, “designated site” means—

- (a) land which has been designated by a local authority as a special site under section 78C of the Environmental Protection Act 1990(14) as applied with modifications by the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006(15) in relation to land in England and as applied with modifications by the

(11) 1998 c.47. See section 4. There are amendments to section 4 not relevant to these Regulations.

(12) S.I. 2001/2975. There are amendments to regulation 13 not relevant to these Regulations.

(13) S.R. (N.I.) 2001 No. 436.

(14) 1990 c.43. Sections 78A to 78YC were inserted by section 57 of the Environment Act 1995. There are amendments to these sections not relevant to these Regulations.

(15) S.I. 2006/1379 as amended by S.I. 2007/3245, S.I. 2008/520 and S.I. 2010/2147. S.I. 2016/562 also makes amendments which are not yet in force.

Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006(16) in relation to land in Wales;

- (b) land which has been designated by the Scottish Environment Protection Agency as a special site under section 78BC of the Environmental Protection Act 1990 as applied with modifications by the Radioactive Contaminated Land (Scotland) Regulations 2007(17);
- (c) land which has been identified by the Chief Inspector in accordance with regulation 3(2) of the Radioactive Contaminated Land Regulations (Northern Ireland) 2006(18).

(2) The appropriate minister must ensure that information on the following matters is provided to members of the public exposed to ionising radiation from a designated site—

- (a) the potential health risks of their exposure; and
- (b) the available means for reducing their exposure.

(3) The appropriate minister must, for each designated site, publish guidance concerning the management of exposure to ionising radiation from that site.

Measures to be taken in other exposure situations

6.—(1) This regulation applies where the Scottish Ministers, the Welsh Ministers, a Northern Ireland department or the Secretary of State receives evidence about either of the following situations—

- (a) the indoor exposure of members of the public to ionising radiation from building material incorporated into buildings or parts of buildings which cannot be disregarded from a radiation protection point of view;
- (b) the exposure of members of the public to ionising radiation from contaminated commodities which cannot be disregarded from a radiation protection point of view.

(2) The appropriate minister must ensure that measures are taken to identify and evaluate the level of exposure of members of the public to ionising radiation.

(3) The appropriate minister must ensure that a strategy is in place to manage, as appropriate, any health risks identified as a result of the measures taken under paragraph (2).

(4) The appropriate minister must ensure that the strategy—

- (a) sets objectives;
- (b) sets an appropriate reference level; and
- (c) is developed and implemented taking into account the requirements of Article 102 of the Basic Safety Standards Directive.

(5) In this regulation—

“contaminated commodities” means commodities which incorporate—

- (a) radionuclides from land contaminated as a result of the after-effects of an emergency, past practice or past work activity; or
- (b) naturally occurring radionuclides;

but does not include food, drinking water and animal feeding stuffs;

“reference level” means the level of effective dose, equivalent dose or activity concentration above which optimisation of radiation protection for members of the public must be prioritised.

(16) S.I. 2006/2988, as amended by S.I. 2007/3250, S.I. 2008/521 and S.I. 2010/2146. S.I. 2016/562 and S.I. 2018/429 also make amendments which are not yet in force. There are other amendments which are not relevant to these Regulations.

(17) S.S.I. 2007/179, as amended by S.I. 2007/3240, S.S.I. 2009/202 and S.I. 2010/2153. S.I. 2016/562 also makes amendments which are not yet in force. S.S.I. 2007/179 modifies the Act by inserting section 78BC.

(18) S.R. (N.I.) 2006 No.345 as amended by S.R. (N.I.) 2007 No. 3236 and S.R. (N.I.) 2010 No. 2145.

PART 3

Building material

Building material

7.—(1) Where the Secretary of State is aware that relevant building material has been identified in the United Kingdom, the Secretary of State must ensure that before the relevant building material is placed on the market—

- (a) the activity concentrations of any radionuclides specified in Annex VIII to the Basic Safety Standards Directive that are in the relevant building material are determined; and
- (b) information is provided to the person nominated by the Secretary of State for this purpose, if requested by that person, on—
 - (i) the activity concentrations determined in accordance with sub-paragraph (a); and
 - (ii) the corresponding activity concentration index (calculated using the formula set out in Annex VIII to the Basic Safety Standards Directive and such other relevant factors as are specified in that Annex).

(2) Where the relevant building material is liable to give gamma radiation doses exceeding 1 millisievert per year, the Scottish Ministers, the Welsh Ministers, a Northern Ireland department and the Secretary of State must each exercise their functions to ensure that such measures are taken as they each consider appropriate for the protection of members of the public, which may include imposing specific requirements in relevant building codes or restrictions on the use of such material.

(3) In this regulation “relevant building material” means building material that—

- (a) emits gamma radiation; and
- (b) is of concern from a radiation protection point of view, taking into account the indicative list of types of building material in Annex XIII to the Basic Safety Standards Directive.

PART 4

Radon

Indoor exposure to radon

8.—(1) The Secretary of State must set a reference level for the exposure of members of the public to indoor radon concentrations. The reference level for the annual average radon activity concentration in air must not exceed 300 becquerels per cubic metre.

(2) In this regulation, “reference level” means the level of activity concentration above which optimisation of radiation protection for members of the public must be prioritised.

Requirement to publish information regarding radon

9. The Secretary of State must publish information on—
- (a) indoor radon exposure and associated health risks;
 - (b) the importance of performing radon measurements; and
 - (c) the technical means available for reducing existing radon concentrations.

Radon action plan

10.—(1) The Secretary of State must establish a national plan (“the action plan”) addressing long-term health risks from any source of radon ingress (whether from soil, building material or water) to—

- (a) dwellings;
- (b) buildings with public access; and
- (c) workplaces.

(2) The action plan must—

- (a) take into account relevant issues identified in Annex XVIII to the Basic Safety Standards Directive; and
- (b) be updated at intervals of no more than five years.

New buildings

11. The Scottish Ministers, the Welsh Ministers, a Northern Ireland department and the Secretary of State must each exercise their functions to ensure that appropriate measures are in place to prevent radon ingress into new buildings.

Areas of high radon concentration

12. The Secretary of State must identify areas where the radon concentration (expressed as an annual average) in a significant number of buildings is expected to exceed the relevant reference level set under regulation 8.

PART 5

Orphan sources

Identification of orphan sources

13. The Scottish Ministers, the Welsh Ministers, a Northern Ireland department and the Secretary of State must each exercise their functions to ensure that arrangements are made for—

- (a) raising general awareness of the possible occurrence of orphan sources and potential hazards; and
- (b) issuing guidance for persons who suspect, or have knowledge, of the presence of an orphan source on informing the relevant minister and on the actions to be taken.

Action to recover orphan sources left behind by past practices

14.—(1) The Scottish Ministers, the Welsh Ministers, a Northern Ireland department and the Secretary of State must each exercise their functions to ensure that an appropriate course of action is organised to recover orphan sources left behind from past practices.

(2) The course of action may include the management, control and disposal of the orphan sources as well as the review of relevant documentation.

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Richard Harrington
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial
Strategy