

---

STATUTORY INSTRUMENTS

---

**2002 No. 1093**

**The Radioactive Material (Road Transport) Regulations 2002**

**PART III**

**GENERAL PROVISIONS RELATING TO THE REGULATION OF TRANSPORT**

**Types of regulatory approvals**

**14.**—(1) The following types of approval are relevant for the purpose of these Regulations, namely—

- (a) multilateral approval, meaning the approval of a design or shipment by the relevant competent authority not only of the country of origin of that design or shipment but also at least of each country through or into (but not over) which the consignment is to be transported;
- (b) unilateral approval, meaning the approval of a design which is required to be given only by the competent authority of the country of origin of that design.

(2) A “competent authority” means such national or international regulatory body or authority of a contracting party country as is designated or otherwise recognised as such for any purposes in connection with IAEA 1996 and, in relation to Great Britain, references in these Regulations to actions or decisions of the Secretary of State shall be taken as being the action or decision of a competent authority.

**General prohibition**

**15.**—(1) No person shall—

- (a) undertake the design of any packaging or package,
- (b) operate or maintain any packaging or package, or
- (c) transport, or cause or permit to be transported in any packaging or package any radioactive material,

otherwise than in accordance with the provisions of, and in compliance with the requirements of, these Regulations.

(2) “Requirements” includes any conditions, limitations or restrictions.

(3) There shall be no transport of a consignment into Great Britain from Northern Ireland unless, prior to the commencement of the first section of its journey in Great Britain, the carrier knows (or has reasonable grounds to believe) that the consignment meets the requirements of the Northern Ireland Regulations as to its labelling and transport documents.

**General duty to exercise reasonable care**

**16.** Without prejudice to any other regulation, the consignor, carrier and the driver of a consignment must exercise reasonable care to ensure that in the course of the transport of a consignment no injury to health or any damage to property or to the environment is caused.

### **General exception**

17. There is no contravention of or failure to comply with these Regulations by a person who neither knew nor had reasonable grounds for believing that the material was in question was radioactive.

### **Quality and compliance assurance programmes; prohibitions etc**

18.—(1) In order to ensure compliance with these Regulations—

- (a) a programme of quality assurance shall be established in accordance with paragraphs (2) to (5), and
- (b) the powers and procedures set out in paragraphs (6) to (9) shall apply as respects compliance assurance.

(2) As respects the design, manufacture, testing, documentation, carriage, use, maintenance and inspection—

- (a) of all special form radioactive material,
- (b) of all low dispersible radioactive material,
- (c) of all packages and packaging, and
- (d) for transport and in-transit operations,

the user must establish and maintain a quality assurance programme to ensure that the requirements of these Regulations are complied with and provide evidence of the efficacy of such a programme to an inspector upon request.

(3) Where these Regulations require that a design or a shipment be approved by the Secretary of State, no such approval shall be given until the Secretary of State is satisfied as to the adequacy of the quality assurance programme for that design or shipment.

(4) The user, when so requested by an inspector, must—

- (a) provide him with facilities to inspect the package, packaging or material during its construction and use;
- (b) demonstrate to him that the construction methods and materials used for the construction of all packaging, special form radioactive material or low dispersible radioactive material are in accordance with the approved design specifications;
- (c) demonstrate to him that all packagings or special form radioactive material or low dispersible radioactive material manufactured to an approved design are periodically inspected as appropriate and, as necessary, repaired and maintained in good condition so that they continue to comply with all the requirements of these Regulations, even after repeated use; and
- (d) in the case of a design specification that has been fully implemented, produce to him a certificate to that effect.

(5) In paragraphs (2) to (4)

“requirements” includes any conditions, limitations and restrictions;

“design authority” means any person responsible for the design of a package or packaging, special form radioactive material and low dispersible radioactive material; and

“user” includes a consignor, consignee, carrier, owner, freight forwarder, design authority, and any person associated with manufacture, testing, maintenance and inspection of packages, packagings, special form radioactive material and low dispersible radioactive material.

(6) The powers and procedures referred to in paragraph (1)(b) apply as respects—

- (a) the design, manufacture, testing, inspection and maintenance of—

- (i) packagings,
  - (ii) special form radioactive material,
  - (iii) low dispersible radioactive material,
- and
- (b) the transport of a consignment.
- (7) If it appears to an inspector that any person engaged in—
- (a) any of the operations set out in paragraph (6)(a), or
  - (b) the transport of a consignment,
- is not, or is not likely to, comply with any of the requirements of these Regulations and that as a result there is a risk of injury to health or damage to property or to the environment, he may as respects that person either—

- (i) impose a prohibition, or
- (ii) serve a notice

in accordance with the following provisions of this regulation.

(8) A prohibition imposed under sub-paragraph (b)(i) of paragraph (7) may apply absolutely or for a specified purpose and either without any limitation or for a specified period and shall come into force as soon as a written notice is handed or sent (by post, facsimile or any electronic means) to the person concerned; and the notice imposing it must—

- (a) state whether the prohibition applies absolutely or for a specified purpose (and if the latter, specifying the purpose); and
- (b) state whether the prohibition applies without limitation of time or for a specified period.

(9) In a notice served under sub-paragraph (b)(ii) of paragraph (7), an inspector must—

- (a) give particulars identifying what the non-compliance or likely non-compliance is;
- (b) state that it is his opinion that such non-compliance or likely non-compliance gives, or could give, rise to a risk of injury to health or damage to property or environment;
- (c) specify the steps (including any temporary measures that are thought to be appropriate) that are to be taken to remedy or to avert the non-compliance; and
- (d) stipulate the period within which those steps or measures must be taken.

(10) “Requirements” in paragraph (7) includes any conditions, limitations and restrictions.

(11) Any person upon whom either a prohibition is imposed or a notice is served under paragraph (7) must comply with that prohibition or notice.

### **Transport of consignments under special arrangement**

**19.**—(1) Where, in relation to the transport of a consignment, all or some of the requirements of these Regulations cannot be complied with, the transport of that consignment is prohibited unless undertaken in accordance with an approval given under the following paragraphs.

(2) In the case of a Great Britain journey, if the Secretary of State is satisfied—

- (a) that the non-compliance with the requirement is on grounds of impracticability of compliance as respects that consignment, and
- (b) that a commensurate level of safety to that which would be provided in relation to that consignment by the application of any relevant provision of these Regulations can be provided by alternative means,

he may give an approval for the transport of that consignment.

(3) Application for an approval by the Secretary of State pursuant to paragraph (2) shall be made in accordance with the provisions of regulation 61 (approval of shipments under special arrangement) and may be made in respect of a single consignment or of a planned series of multiple consignments.

(4) The approval by the Secretary of State pursuant to paragraph (2) shall be given by a special arrangement approval certificate which shall set out the conditions under which (and only under which) the transport of that consignment may be made.

#### **Transport of consignments under exclusive use**

**20.**—(1) No person shall transport, or cause to be transported, any consignment under exclusive use unless the radiation level of the consignment is within the limits set out in paragraph 8 of Schedule 7.

(2) “Exclusive use” means the sole use, by a single consignor, of a conveyance or of a large freight container, in respect of which all initial, intermediate and final loading and unloading is carried out in accordance with the directions of the consignor or of the consignee.

#### **Prohibition on persons travelling in vehicles transporting radioactive material**

**21.** No person except the driver and his assistant or assistants may travel in a vehicle transporting packages, overpacks or freight containers bearing category II-YELLOW or III-YELLOW labels.

#### **Transport of consignments containing packages not designed in a contracting party country**

**22.**—(1) Before the transport of a consignment that contains a package, the design of which originates in a non-contracting party country and which requires unilateral approval pursuant to these Regulations, is commenced—

- (a) a certificate must have been issued in respect of the package by an authority in that non-contracting party country proving that the package satisfies the technical requirements of ADR; and
- (b) this certificate must have been countersigned by the competent authority of a contracting party country.

(2) In a case where neither the certificate required under paragraph (1) above nor an existing package design approved by a contracting party country is provided, the transport of the consignment may only be commenced if a competent authority of a contracting party country has approved the package design.

#### **Categories of packages**

**23.** Packages and overpacks must be assigned to either category I-WHITE, II-YELLOW or III-YELLOW in accordance with the conditions set out in Schedule 11.