

SCHEDULE 5

Regulation 42(5)

Radiological Emergencies

**Interpretation**

1. In this Schedule, the expressions mentioned in column 1 of the Table shall have the meanings given in column 2 of that Table and related expressions shall be construed accordingly—

**Table**

<i>Column 1</i>	<i>Column 2</i>
“assist in the intervention”	The taking of such steps, as it is reasonable and practicable in the prevailing circumstances to take, in order to prevent or decrease exposure. The circumstances to be taken into account include— <ul style="list-style-type: none"> <li>(a) the weather conditions;</li> <li>(b) the time of the occurrence of the emergency;</li> <li>(c) the distribution of the local population;</li> <li>(d) the nature and content of the package involved;</li> <li>(e) the stability of the class 7 goods involved;</li> <li>(f) the nature of the local geography and ecology;</li> <li>(g) any other prevailing hazards; and</li> <li>(h) the relative importance of the emergency in relation to other calls that are being made upon the emergency services.</li> </ul>
“intervention”	A human activity that prevents or decreases the exposure of persons to radiation from a radiation emergency or from an event which could lead to a radiation emergency, by acting on the sources of radiation, the paths by which such radiation may be transmitted to persons and on persons themselves.

**Information to the public about health protection measures**

2.—(1) Every consignor, carrier and consignee carrying out the transport of a consignment shall—

- (a) ensure that any members of the public who are in an area in which, in the opinion of the GB competent authority, they are likely to be affected by a radiological emergency arising from the undertaking of that carrier, consignor or consignee are supplied, in the appropriate manner approved by the GB competent authority and without their having to request it, with at least the information set out in sub-paragraph (2); and
- (b) make that information publicly available, which includes endeavouring to enter into an agreement or arrangement with the local authority in the area referred to in sub-paragraph (a) for the dissemination by that authority of the information required to be supplied to members of the public in accordance with that sub-paragraph.

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(2) The following is the information that is to be supplied and made available under this regulation—

- (a) the basic facts about the radioactivity and its effects on persons and on the environment;
- (b) the various types of radiological emergency possible and their consequences for the general public and the environment;
- (c) the emergency measures envisaged to alert, protect and assist the general public in the event of the occurrence of a radiological emergency;
- (d) appropriate information on action to be taken by the general public in the event of the occurrence of a radiological emergency; and
- (e) the appropriate local authority responsible for implementing the emergency measures and action referred to in (c) and (d) above.

(3) In preparing the information to be supplied and made available under this paragraph, the carrier, consignor or consignee shall—

- (a) consult the GB competent authority, but shall remain responsible for the accuracy, completeness and form of the information supplied; and
- (b) endeavour to enter into an agreement or arrangement with the local authority in whose area his undertaking is situated with respect to the dissemination by that authority of the information to members of the public.

(4) The information supplied and made available under this paragraph shall be updated—

- (a) at regular intervals;
- (b) whenever significant changes to any of the matters mentioned in sub-paragraph (2) take place; and
- (c) in any event, at least every 3 years.

(5) When information is updated in accordance with sub-paragraph (4) it shall be supplied again in accordance with paragraph (2) and made publicly available.

### **Duties with respect to the monitoring of particular persons**

3.—(1) Any—

- (a) employee or agent of a consignor, carrier or consignee, or
- (b) any person of whose services a consignor, carrier or consignee makes use in the carriage of dangerous goods,

who assists in an intervention and is liable to be subjected to emergency exposure shall be treated as being a person classified pursuant to regulation 20 of the Ionising Radiations Regulations 1999<sup>(1)</sup> (“the 1999 Regulations”) and, accordingly, the consignor, carrier or consignee (as the case may be) shall have the same duties with regard to the monitoring of such persons as are imposed upon an “employer” by regulations 21 to 26 of the 1999 Regulations.

(2) To the extent it is necessary in order to save human lives, an emergency exposure is permitted as a result of which the dose limit specified in paragraph 1, 2, 6, 7 or 8 of Schedule 4 (Dose Limits) to the 1999 Regulations will be exceeded, provided that the person who it is proposed is subjected to a dose in excess of the limit provided for in the relevant paragraph is a volunteer and has been informed of the risks involved in the intervention.

(3) In this paragraph, “emergency exposure” means an exposure of a person engaged in an activity of, or associated with, the response to a radiation emergency or potential emergency in order to bring help to endangered persons, prevent exposure of a large number of persons or save a valuable

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

installation or goods where one of the individual dose limits referred to in paragraphs 1 or 2 of Part 1 of Schedule 4 to the 1999 Regulations could be exceeded.

#### **Duties of consignor and carrier with regard to the preparation of emergency arrangements**

4.—(1) Before the carriage of a package begins, the consignor of that package shall ensure that there is a plan in writing which sets out the emergency arrangements for that package.

(2) The plan shall set out such emergency arrangements as are appropriate for the carriage of the package.

(3) The plan shall be prepared having regard to—

- (a) the principle that intervention is to be undertaken only if the damage due to the radiation resulting from the radiation emergency is sufficient to justify the potential harm and the potential cost (including the social cost) of that intervention;
- (b) the principle that the form, scale and duration of the intervention should ensure that the benefit to health will be greater than any harm that might be associated with the intervention itself;
- (c) the dose limits provided for in Schedule 4 of the Ionising Radiations Regulations 1999; and
- (d)
  - (i) if the Health Protection Agency has specified levels of radiation dose applicable in an emergency pursuant to its functions under section 3 of the Health Protection Agency Act 2004(2), those levels; or
  - (ii) otherwise, the Emergency Reference Levels specified by the former National Radiological Protection Board pursuant to a direction under section 1(7) of the Radiological Protection Act 1970(3).

(4) To the extent that the plan is used in relation to carriage on more than one occasion, the consignor shall review and, whenever necessary, revise his emergency arrangements and shall ensure that at suitable intervals they are tested.

#### **Duties of drivers, carriers and consignors in the event of the occurrence of a radiological emergency**

5.—(1) The driver of a vehicle or train carrying class 7 goods who discovers, or has reason to believe, that a notifiable event has occurred in relation to the transport unit or train he is driving shall—

- (a) immediately notify—
  - (i) the police
  - (ii) (where appropriate), as respects England and Wales, the fire and rescue authority and, as respects Scotland, the chief officer of the relevant authority (as defined by section 6 of the Fire (Scotland) Act 2005(4)); and
  - (iii) the consignor,of that event;
- (b) initiate the emergency arrangements in respect of any radiological emergency; and

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(2) 2004 c. 17.

(3) 1970 c. 46. By section 3(2) of the Health Protection Agency Act 2004 and article 2(1)(c) of the Health Protection Agency Act 2004 (Commencement) Order 2005 (S.I. 2005/121), those functions of the National Radiological Protection Board that were exercisable on direction on 31st January 2005 became exercisable by the Health Protection Agency on that date. By Schedule 3 to the 2004 Act and article 2(2) of the Order, the 1970 Act under which the Board was established, ceased to have effect on 1st April 2005.

(4) 2005 asp 5.

*Status: This is the original version (as it was originally made).*

- (c) assist in the intervention that is made in connection with that radiological emergency.
- (2) A carrier of class 7 goods who becomes aware of the occurrence of a notifiable event in relation to the material he is carrying shall—
- (a) immediately notify—
    - (i) the police (unless the driver of the transport unit or train has already done so); and
    - (ii) the GB competent authority,of that event;
  - (b) assist in the intervention that is made in connection with any radiological emergency; and
  - (c) as soon as is reasonably practicable, arrange for the examination of the load that is carried in or on the vehicle so as to determine whether contamination has arisen and, if it has, to arrange for the safe disposal of any part of the load that has been contaminated and for the decontamination of the transport unit or train.
- (3) A consignor of class 7 goods who becomes aware of the occurrence of a notifiable event in relation to his consignment shall—
- (a) immediately notify—
    - (i) the police; and
    - (ii) the GB competent authority,of that event (unless either the driver or the carrier has already done so);
  - (b) assist in the intervention that is made in connection with any radiological emergency; and
  - (c) provide the GB competent authority with details of the incident that gave rise to that emergency.
- (4) Whenever a consignor becomes aware that emergency arrangements have been initiated in relation to his consignment he shall notify the GB competent authority of the initiation of those arrangements even if, in the event, no intervention was made pursuant to those arrangements.
- (5) If a notifiable event occurs the carrier shall ensure that a report is made forthwith to the GB competent authority.
- (6) The report required under paragraph (5) shall be in a form which has been approved by the GB competent authority and shall contain all relevant information which the GB competent authority has communicated to the carrier that it considers necessary.
- (7) In this paragraph—
- (a) “notifiable event” means
    - (i) a radiological emergency,
    - (ii) the theft or losing of the class 7 goods being carried; or
    - (iii) an occurrence subject to report as construed in accordance with Sub-section 1.8.5.3;and
  - (b) “initiate the emergency arrangements” means the taking of such steps as it is reasonable and practicable to take in order to put into effect the actions that have been planned for in the emergency arrangements.

#### **Packages involved in a radiological emergency**

6. A package that has been involved in a radiological emergency shall not be carried or caused to be carried unless the consignor or his agent has examined it and the consignor is satisfied that it complies with the requirements of these Regulations and he issues a certificate to that effect.

**Power of the competent authority to require documents and require testing, rehearsal and revision of the emergency arrangements**

7.—(1) The consignor and carrier shall provide to the GB competent authority, within such reasonable period as the GB competent authority may specify, such documents relating to the emergency arrangements as may have been requested by the GB competent authority.

(2) To the extent required by a notice in writing served on the consignor or carrier by the GB competent authority, the consignor or carrier shall test, rehearse and revise the emergency arrangements.