

Health Protection (Ionising Radiation) Act, 1995

Principal Act

Act. No. 1995-09

Commencement (LN.1995/090)

15.6.1995

Assent

30.3.1995

Transposing:

Directive 80/836/EURATOM

Directive 84/466/EURATOM

Directive 84/467/EURATOM

Directive 89/618/EURATOM

ARRANGEMENT OF SECTIONS

Section

1. Title and commencement.
2. Power to make regulations.

AN ACT TO CONFER POWERS TO PROVIDE FOR THE PROTECTION OF THE HEALTH OF THE GENERAL PUBLIC, WORKERS AND PERSONS UNDERGOING MEDICAL EXAMINATION OR TREATMENT AGAINST THE DANGERS OF IONISING RADIATION, AND THEREBY TO TRANSPOSE INTO THE NATIONAL LAW OF GIBRALTAR COUNCIL DIRECTIVES 89/618/EURATOM, 80/836/EURATOM, 84/467/EURATOM AND 84/466/EURATOM.

Title and commencement.

1. This Act may be cited as the Health Protection (Ionising Radiation) Act, 1995, and shall come into effect on such day as the Governor may, by notice in the Gazette, appoint and different days may be so appointed for different purposes.

Power to make regulations.

2.(1) The Government may make regulations in relation to—

- (a) the protection of the health of persons at work against dangers arising from ionising radiation;
- (b) the protection of persons undergoing medical examinations or treatment from unjustifiable exposure to ionising radiation;
- (c) the protection of health of persons other than those mentioned in paragraphs (a) and (b) against dangers arising from ionising radiation;
- (d) informing the public about health protection measures to be taken in the event of a radiological emergency.

(2) Regulations made in relation to the matters mentioned in paragraphs (a), (c) or (d) of subsection (1) may, in particular—

- (a) prescribe measures for restricting exposure or risks of exposure to ionising radiation, including systems at work, the design and use of safety and protective devices and equipment, the use, handling, storage and transport of any article or substance, the control, use and supervision of areas where specified levels of exposure are likely, and the monitoring of levels of exposure occurring in such areas;
- (b) provide for the assessment of hazards arising from work with ionising radiation, for the preparation of contingency plans for application in the event of an accident, incident or other occurrence and for the investigation and notification of any over-exposure resulting from any such occurrence;

- (c) provide for the assessment of doses of ionising radiation received by any person, for the medical surveillance of, and other protective measures relating to, persons exposed to such radiation or subjected to an over-exposure, and for the keeping of dose assessment and health records;
 - (d) provide for the classification of specified categories of persons and for the application to any such category of specified prohibitions or requirements;
 - (e) make provision for information, instruction, training and advice;
 - (f) impose duties on employers, employees or other persons;
 - (g) require notification of proposed work with ionising radiation and the giving of other information to a specified body or person and impose requirements by reference to the approval of a specified body or person;
 - (h) exempt specified bodies or persons from any prohibition or requirement imposed by or under the regulations or from any specified provision of the regulations or enable any such exemption to be granted by a specified body or person.
- (3) Regulations made in relation to the matter mentioned in paragraph (b) of subsection (1) may, in particular—
- (a) make provision for the control of the making or administration of any medical or dental examination or treatment involving exposure to ionising radiation of the person examined or treated, including provision for ensuring that any such examination or treatment is made or administered by or under the direction of a medical or dental practitioner holding a certificate for the purpose;
 - (b) make provision that persons shall not be caused or permitted to undergo any medical examination or treatment involving exposure to ionising radiation except at premises—
 - (i) registered for that purpose in accordance with regulations;
 - (ii) in respect of which a licence has been granted by or on behalf of the Government and in accordance with any conditions contained in such licence.
 - (c) make provision as to the procedure and conditions applicable to the grant of such certificates, including the grant of certificates specifying the descriptions or classes of examination or treatment to which they relate, whether by reference to the equipment, product or substance used or the purpose of the examination or treatment or otherwise, and the duration, renewal, suspension, revocation and variation of such certificates;

- (d) make provision as to the design, construction, installation and maintenance of any equipment used for any such examination or treatment and for the notification and investigation of any malfunction or other incident involving excessive exposure to ionising radiation and for the imposition of duties on employers, users or other persons in that connection;
 - (e) provide for instruction and training of practitioners and ancillary staff;
 - (f) provide for the establishment of a committee or other body to advise on any of the matters referred to in this sub-section.
- (4) Without prejudice to the generality of subsection (1), regulations made under this section may–
- (a) make provision with respect to the appointment of such persons as the Government shall deem necessary for the administration and enforcement of regulations;
 - (b) make provision with respect to the power of persons to–
 - (i) enter such premises as may be specified;
 - (ii) conduct such inspections and serve such notices as may be specified;
 - (c) provide that notwithstanding the provisions of section 23 (b) of the Interpretation and General Clauses Act, a contravention of a prohibition or requirement imposed by or under regulations shall constitute an offence for which the offender shall be liable on summary conviction to a fine not exceeding a specified amount;
 - (d) provide for the extent (if any) to which breach of a duty imposed by the regulations shall be actionable;
 - (e) provide for any specified defence to be available, either generally or in specified circumstances, in proceedings for an offence under the regulations, or an action for breach of duty;
 - (f) make provision with respect to the institution of proceedings for an offence under the regulations, with respect to the circumstances in which, in the case of an offence committed by a body corporate, an officer of that body shall also be guilty of an offence, with respect to the onus of proof of specified matters other questions of evidence in proceedings for an offence, and with respect to the powers of a court to order an offender to remedy any matter;
 - (g) provide for the extent to which the regulations shall bind the Crown and for the extent to which they shall apply to persons in the service of the Crown;

- (h) make provision in respect of fees or other charges;
 - (i) make such transitional, incidental or supplementary provisions as the Government may deem proper for the better execution of this Act.
- (5) in this section–

“contravention” includes failure to comply or perform;

“ionising radiation” means gamma rays, x-rays or corpuscular radiation which are capable of producing ions either directly or indirectly;

“regulations” means regulations made this Act;

“requirement” includes duty.