Call for written evidence:
Retained EU Law (Revocation and Reform) Bill (Bill 156)

Written evidence submitted by the Society for Radiological Protection (SRP)[i]

SRP is incorporated by Royal Charter and has a pivotal role in supporting radiological safety standards in the UK and is opposed to the sunsetting of safety and environmental retained EU legislation. Much of this legislation provides a complex network that ensures the safety of individuals exposed to ionising and non-ionising radiations whatever the source of this exposure. We consider that removal of any of this legislation would be detrimental to workplace safety, the safety of the public (including those medically exposed), and the environment.

From our perspective, it is essential for the protection of the public and the worker that all relevant legislation is retained, renamed and assimilated into UK law. The main issue we see with proposed Bill 156 is that it introduces great uncertainty into the regulatory framework of the UK with a significant risk of sweeping changes without adequate time to assess them. The number of laws identified is significant and there are finite government resources to review them before the sunset deadline. There is a risk of important legislation being revoked through sunset, or poorly amended, and equally the opportunity to make improvements missed, purely due to the deadlines imposed.

We note that there is an option to extend the sunsetting clause from Dec 2023 to Dec 2026 – we would suggest that this option be implemented to enable a considered approach and to ensure that all appropriate legislation is retained. We very much hope that the House of Commons Public Bill Committee will recognise the importance of the current EU radiation protection legislation and ensure that this is appropriately transferred and incorporated into UK law going forward.

This includes legislation such as:

- The Ionising Radiations Regulations 2017 (S.I. 2017/1075). [IRR17];
- Ionising Radiation (Medical Exposure) Regulations 2017 [IRMER];
- The Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018;
- The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (S.I. 2019/703) [REPPIR19];
- Environmental Permitting Regulations 2016 (including Schedule 23 on Radioactive Substance Regulation) [EPR2016];
- The Radioactive Substances Act 1993 (in Northern Ireland) RSA93];
- The High Activity Sealed and Orphaned Sources Regulations 2005 (in Northern Ireland) [HASS2005];
- The Justification of Practices Involving Ionising Radiation Regulations 2004 [JOPIIR];

- Justification Decision (Generation of Electricity by the AP1000 Nuclear Reactor) Regulations 2010/2845;
- Justification Decision (Generation of Electricity by the EPR Nuclear Reactor) Regulations 2010/2844;
- Justification Decision (Generation of Electricity by the UK ABWR Nuclear Reactor) Regulations 2015/209;
- Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999;
- Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005;
- Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006;
- The International Waste Shipments (Amendment of Regulation (EC) No 1013/2006) Regulations 2020 (used for shipments of NORM waste);
- The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (as amended);
- Medical Devices Regulations 2002;
- Control of Artificial Optical Radiation at Work Regulations 2010 (S.I. 2010/1140). [AORR2010]
- The Control of Electromagnetic Fields at Work Regulations 2016 [CEMFWR16];
- Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Artificial Optical Radiation) 2010, as amended;
- Control of Electromagnetic Fields at Work Regulations (2016);
- Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) 2016 as amended.

This list is by no means exhaustive, which is why it is imperative to extend the deadline for all retained legislation to ensure the sunsetting clause is operated in a responsible manner.

The perceived benefits in retaining the current relevant health & safety and environmental law are summarised as follows:

- These regulations provide a sound and enforceable legal framework for occupational and public safety related to work with ionising and non-ionising radiations in accordance with the requirements of the Health and Safety at Work Act 1974 (HSWA74);
- They ensure that the UK is compliant with international standards of radiological protection such as IAEA GSR Part 3 (Basic Safety Standards), noting the obligations the UK has as a signatory to the Convention on Nuclear Safety and the Joint Convention on the safe management of spent fuel and radioactive waste;
- There are potential significant and unintended consequences on compliance with other legislation such as the NIA 65 as amended if the current European-derived regulations are lost;
- These various regulations support good practice generally within all sectors, particularly for example where HSE provides an Approved Code Of Practice and Guidance on compliance with IRR17 and REPPIR19;
- Without these regulations, workplaces will still need to take measures to protect workers and other persons as required by HSWA74. However, without the detailed descriptions set out in the regulations on how to comply with the law, it would lead to potential confusion, disproportionality and inconsistency of approach for both the regulated and the regulator; it would imply that decisions on legal interpretation would have to be determined more frequently through the courts;

- These regulations provide a legal basis for reporting of incidents, including ministerial reported events;
- They also provide an important incentive for employers to allocate appropriate staff time and funding to underpin safe routine operational practice.
- Without them short cuts would be made leading to poor practice and increasing the chance of accidents;
- Reliance on general health and safety legislation would also certainly give the impression that radiation protection is not considered as important as other hazards for either workers or the public.

Radiation Protection is a highly specialist subject covering a wide range of areas of scientific and operational expertise. As such, development of appropriate legislation and guidance necessarily relies on international collaboration to ensure the system of radiation protection is fit for purpose, i.e. that radiation can be used for the benefit of society in the safest possible way. The current EU legislation related to radiation protection has been developed over decades through the efforts of our international authoritative bodies made up of subject matter experts from around the world: UNSCEAR, ICRP and IAEA, with input from a range of stakeholders including a wide range of government agencies, nuclear operators, medical and industrial users of radiation, professional bodies such as SRP representing radiation protection scientists and practitioners, and members of the public from the UK. As such, the current regulations represent a practical, reasonable and tolerable framework for the safe use of ionising radiation in the UK. Furthermore, the system works, as confirmed by the IAEA full Independent Regulatory peer review mission (IRRS) to the UK that was conducted in 2019.

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[i]The Society for Radiological Protection is the principal independent professional body for Radiation Protection in the UK. It has around 1600 members and, outside the USA, is the largest radiological protection society in the world.

The Society is a learned focus for understanding radiation hazards and solutions, and for providing information to HM Government, industry and the public on Radiation Protection. It also ensures that professional standards are available for Radiation Protection professionals in the UK.

The Society operates in the fields of medicine, the nuclear power cycle, industrial, higher education, research and other settings that use hazardous ionising and non-ionising radiations. It is involved in advising, training, educational outreach, and helping to improve regulatory response, understanding and learning from accidents and improving emergency response. To pursue its objectives across these fields the Society works with a number of allied societies, educational establishments and HM Government departments and agencies.