

# Annex 1

## 1. REPP19 - Definitions

### 1.1. Radiation Emergency

1. Regulation 2(1) of REPP19 defines a Radiation Emergency as,

“... a non-routine situation or event arising from work with ionising radiation that necessitates prompt action to mitigate the serious consequences of –

  - (a) of a hazard resulting from that situation or event;
  - (b) of a perceived risk arising from such a hazard; or
  - (c) to any one or more of –
    - (i) human life,
    - (ii) health and safety,
    - (iii) quality of life,
    - (iv) property, and
    - (v) the environment.”

### 1.2. Detailed Emergency Planning Zone

2. REPP19 requires the relevant Local Authority (“**LA**”) to designate a Detailed Emergency Planning Zone (“**DEPZ**”). The DEPZ is the geographical zone in which it is proportionate to plan for protective action in the event of a radiation emergency. There are two stages to the process of determining a DEPZ.
3. The first stage puts duties on the operators of premises which hold quantities of radioactive materials above specified thresholds. Regulation 4 requires the operator to undertake a written evaluation identifying all hazards arising from the operator’s work which have the potential to cause a radiation emergency. The evaluation is referred to as a ‘Hazard Evaluation’ in REPP19.
4. Where the evaluation reveals the potential for a radiation emergency to occur, Regulation 5 requires the operator to assess a full range of possible consequences of the identified emergencies. The assessment is referred to in REPP19 as a “Consequence Assessment”.

5. Regulation 7(1) & 7(2) of REPP19 requires the operator to produce a report setting out the consequences identified by the assessment, called a Consequences Report, which must be sent to the LA. The Consequences Report must include a proposed minimum geographical area from the premises to be covered by the LA's DEPZ;
6. The second stage of the DEPZ determination process is the responsibility of the LA. Regulation 8(1) of REPP19 provides that the LA must determine the DEPZ based on the operator's recommendation and may extend that area in consideration of certain factors specified in the regulations.

### 1.3. Off-Site Emergency Plan

7. Regulation 11(1) & (2) of REPP19 provides that, where premises require a DEPZ, the LA must make an adequate Off-Site Emergency Plan ("**OSEP**") covering the zone. The plan must be designed to mitigate, so far as is reasonably practicable, the consequences of a radiation emergency outside the operator's premises.

### 1.4. Testing and Review

8. Regulation 12(1) of REPP19 requires the LA to do the following at suitable intervals not exceeding three years:
  - a. Review and where necessary revise the OSEP; and
  - b. Test the OSEP to the extent necessary to ensure that the plan is effective.
9. Regulation 12(8) of REPP19 requires the LA to produce a report on the outcome of the test, highlighting strengths and weaknesses of the OSEP. Regulation 12(4) of REPP19 requires any review of the OSEP to take into account the report of the outcome of the test.

### 1.5. Site Operations

10. Regulation 10(4) of REPP19 prevents the operator from carrying out work with ionising radiation unless the LA has complied with its duty to produce an adequate OSEP.

### 1.6. Approved Code of Practice

11. REPP19 is supported by an Approved Code of Practice ("ACOP"). The ACOP has special legal status, in that it is approved by the Health and Safety Executive, with the consent of the Secretary of State. It gives practical advice on how to comply with the law. If the advice is followed, that should suffice to comply with the law in respect of those specific matters on which the Code gives advice. In the event of a prosecution for breach of health and

safety law, and it is proved that the relevant provisions of the Code were not followed, a defendant would need to show compliance with the law in some other way or a Court is likely to find a breach.

## 1.7. Guidance

12. REPP19 is supported by non-statutory guidance on the regulations .Non-statutory guidance is not subject to the requirements for Health and Safety Executive approval and Ministerial consent. However, the non-statutory guidance has the similar intent of guiding the dutyholder: following the guidance is not compulsory and dutyholders are free to take other action, but if they follow the guidance they will normally be doing enough to comply with the law.