

Regulatory Position Statement on the regulation of mobile radioactive sources offshore

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RS-POL-005



Background

The Environmental Authorisations (Scotland) Regulations 2018 (EASR) were made on 28 June 2018 and came into force for radioactive substances activities on 1 September 2018. The EASR replace the Radioactive Substances Act 1993 (RSA93), the Radioactive Substances Exemption (Scotland) Order 2011 and the High-activity Sealed Sources and Orphan Sources Regulations 2005.

The application of the requirements under the existing legislation in the offshore area is a matter reserved to the UK Parliament. The application of the EASR offshore therefore requires amendment of the Civil Jurisdiction (Offshore Activities) Order 1987 and the Continental Shelf Act 1964 so that both refer to EASR instead of the Radioactive Substances Act 1993.

The UK Parliament needs to make an Order under the Scotland Act 1998 to amend the Civil Jurisdiction (Offshore Activities) Order 1987 and the Continental Shelf Act 1964, so that EASR applies to radioactive substances activities carried out offshore. Until the Order is made, the EASR does not apply offshore and the existing legislation remains in force.

This means that mobile radioactive sources that are managed both onshore and offshore need to be authorised under EASR and registered under RSA93. As SEPA does not currently regulate mobile radioactive sources that may be managed offshore any differently to those that are managed onshore there is no simple way to determine which mobile radioactive apparatus need to be regulated under EASR and RSA93 and which only need to be regulated under EASR. We also consider that the duplication of authorisation does not provide any benefit to the protection of Scotland's environment or protection of the public.

SEPA adopted a Regulatory Position Statement on Offshore Regulation in August 2018, which sets out that for the offshore area, SEPA will apply the EASR values for high-activity sealed sources and for determining what is in scope and exempt. There is therefore no difference in the regulatory requirements that we will apply to a mobile source that is managed both onshore and offshore.

To minimise the impact that the duplication of regulation will have on persons carrying out a radioactive substances activity involving the management of a mobile radioactive source, SEPA has adopted a regulatory position setting out how we will regulate mobile radioactive sources in the offshore area.

Regulatory Position

1. SEPA will authorise all mobile radioactive sources under EASR only, and not require a separate registration under RSA93, even if the sources may be managed offshore.

Further information

This regulatory position statement applies only in Scotland. The terms of this regulatory position statement may be subject to review and be changed or withdrawn in light of regulatory or legislative changes, future government guidance or experience of its use.

If you need any further information on this regulatory position statement or any issues around it, please contact us at RSenquiries@sepa.org.uk