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# **NUCLEAR LEGISLATION IN OECD COUNTRIES**

## **Regulatory and Institutional Framework for Nuclear Activities**

### **Ireland**

## ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

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The OECD Nuclear Energy Agency (NEA) was established on 1<sup>st</sup> February 1958 under the name of the OEEC European Nuclear Energy Agency. It received its present designation on 20<sup>th</sup> April 1972, when Japan became its first non-European full member. NEA membership today consists of 28 OECD member countries: Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Mexico, the Netherlands, Norway, Portugal, the Republic of Korea, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The Commission of the European Communities also takes part in the work of the Agency.

The mission of the NEA is:

- to assist its member countries in maintaining and further developing, through international co-operation, the scientific, technological and legal bases required for a safe, environmentally friendly and economical use of nuclear energy for peaceful purposes, as well as
- to provide authoritative assessments and to forge common understandings on key issues as input to government decisions on nuclear energy policy and to broader OECD policy analyses in areas such as energy and sustainable development.

Specific areas of competence of the NEA include safety and regulation of nuclear activities, radioactive waste management, radiological protection, nuclear science, economic and technical analyses of the nuclear fuel cycle, nuclear law and liability, and public information. The NEA Data Bank provides nuclear data and computer program services for participating countries.

In these and related tasks, the NEA works in close collaboration with the International Atomic Energy Agency in Vienna, with which it has a Co-operation Agreement, as well as with other international organisations in the nuclear field.

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## **IRELAND**

This chapter was last revised in 2003 and is correct as of that date.

The NEA Secretariat is currently revising this chapter in close consultation with the national authorities and plans to issue a new version in the near future.

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## I. GENERAL REGULATORY REGIME

### 1. Introduction

There are no nuclear power plants or nuclear research reactors within Ireland's territorial boundaries. Likewise, there is no uranium mining production in Ireland. Nevertheless, Ireland has developed legislation in the area of radiation protection for the purpose of protecting its people, the food supply and the environment from radiation's harmful effects.

The framework legislation governing the nuclear and radiation protection sectors in Ireland is the Radiological Protection Act of 11 May 1991 [No. 9 of 1991]. This act repealed the Nuclear Energy Act, 1971.

The Radiological Protection Act 1991 was amended by Section 26 of the Energy (Miscellaneous Provisions) Act, 1995 and by Section 65 of the Food Safety Authority of Ireland Act, 1998. References in this study to the Radiological Protection Act, 1991 should be construed as references to the Radiological Protection Act, 1991, as amended. Sections of the 1991 Act referred to in this study which were amended by the 1995 and 1998 Acts are identified accordingly.

Before 1991, the Nuclear Energy Act, 1971 [No. 12 of 1971] was the central piece of legislation on nuclear matters, giving major responsibility to the then Minister for Industry and Energy, who was advised and assisted by the then Nuclear Energy Board. Under the Radiological Protection Act, 1991, the then Minister for Public Enterprise had the major ministerial role in relation to nuclear and radiological protection matters. The Radiological Protection Institute of Ireland established under that act, and which replaced the Nuclear Energy Board, is the national expert body responsible for, *inter alia*, advising the Minister and the government on nuclear safety and radiological protection matters and for regulating, in particular through advance licensing, the custody, use, manufacture, transportation, disposal etc. of radioactive substances, irradiating apparatus and other sources of ionising radiation.

The Radiological Protection Act, 1991, as amended, sets out the functions of the Radiological Protection Institute of Ireland as well as the functions of the Minister for the Environment, Heritage and Local Government. It also sets out specific responsibilities of other government ministers and the functions of the Food Safety Authority, essentially in regard to the protection of individuals from radiological hazards in food.

The Radiological Protection Act, 1991, as amended, would apply to nuclear installations as well as radioactive substances and irradiating apparatus [Section 2]. However, Section 18(6) of the Electricity Regulation Act, 1999 prohibits the construction of a nuclear power plant in Ireland and there are no nuclear installations in this country at the present time.

The other legislation directly relating to or impinging on nuclear matters and radiological protection is as follows:

**Acts:**

- Health Act, 1953 [No. 26 of 1953];
- Safety Health & Welfare at Work Act, 1989;
- Dumping at Sea Act, 1996;
- Harbours Act, 1996;
- Electricity Regulation Act, 1999.

**Regulations:**

- European Communities (Medical Ionising Radiation) Regulations, 1988 [S.I.<sup>1</sup> No. 189 of 1988];
- European Communities (Vocational Training for Drivers of Vehicles Carrying Dangerous Goods) Regulations, 1992 [S.I. No. 204 of 1992];
- European Communities (Supervision and Control of Certain Shipments of Radioactive Waste) Regulations, 1994 [S.I. No. 276 of 1994];
- European Communities (Radiological and Nuclear Medicine Installations) Regulations, 1998 [S.I. No. 250 of 1998];
- European Communities (Minimum Requirements for Vessels Carrying Dangerous or Polluting Goods) (Amendment) Regulations, 1998 [S.I. No. 3 of 1998];
- European Communities (Minimum Requirements for Vessels Carrying Dangerous or Polluting Goods) (Amendment) Regulations, 1999 [S.I. No. 96 of 1999];
- Carriage of Dangerous Goods by Road Regulations, 2001 [S.I. No. 492 of 2001] that include Class 7 material. These regulations implement the ADR Agreement and the Carriage of Dangerous Goods by Road Act, 1998;
- European Communities (Safety Advisors for the Transport of Dangerous Goods by Road and Rail) Regulations, 2001 [S.I. No. 6 of 2001]. These include Class 7 material.

**Orders:**

- Radiological Protection Act, 1991 (General Control of Fissile Fuels, Radioactive Substances and Irradiating Apparatus) Order, 1993 [S.I. No. 151 of 1993];

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1. S.I.: Statutory Instrument.

- Radiological Protection Act, 1991 (Ionising Radiation) Order, 2000 [S.I. No. 125 of 2000].

## **2. Mining Regime**

There are no specific provisions governing uranium mining in Ireland.

## **3. Radioactive Substances, Nuclear Fuel and Equipment**

The Radiological Protection Act, 1991, as amended, provides that the Minister for the Environment, Heritage and Local Government may, after consultation with the ministers concerned, make orders regulating the use of radioactive substances and equipment [Section 30]. At present, the main legislation dealing with these matters is the Radiological Protection Act, 1991 (General Control of Fissile Fuels, Radioactive Substances and Irradiating Apparatus) Order, 1993 [S.I. No. 151 of 1993]. The order provides that the custody, use, manufacture, import, export, distribution, transport or other activity involving fissile fuels, radioactive substances and devices, and irradiating apparatus is permitted only under a licence issued by the Radiological Protection Institute of Ireland. The Institute may attach to any licence under this order any conditions it considers necessary, and may do so either at the time of issue of the licence or later.

Applications for a licence, which must be made to the Institute, must contain the particulars required on the planned activity so as to enable the Institute to assess the application. It may ask for additional information relating to the suitability of the applicant in the safe use and handling of the fuel, substance or device that is the subject of the application.

The Institute may, at its discretion, refuse or revoke a licence if, in its opinion, this is necessary to ensure the protection of persons or property against hazards arising from fissile fuels, radioactive substances, devices, or irradiating apparatus.

Products (except toys, foodstuffs, household products, medicinal products, cosmetics, etc.) whose activity levels do not exceed certain limits as provided by the order, are excluded from the scope of the order.

Section 26 of the Energy (Miscellaneous Provisions) Act, 1991 amends Section 7 of the Radiological Protection Act, 1991 dealing with the general functions of the Radiological Protection Institute of Ireland. It removes the restrictions imposed on the functions of the Institute on the use of ionising radiation for medical purposes.

At the international level, Ireland ratified the 1994 Convention on Nuclear Safety on 11 July 1996.

## **4. Nuclear Installations**

There are no nuclear installations in Ireland.

## **5. Trade in Nuclear Materials and Equipment**

Under the Radiological Protection Act 1991 and the Radiological Protection Act, 1991 (General Control of Fissile Fuels, Radioactive Substances and Irradiating Apparatus) Order, 1993 [S.I. No. 151 of 1993], and in compliance with Ireland's international obligations under the Nuclear Non-proliferation Treaty (NPT), the export and import of nuclear materials are subject to a licence issued by the Radiological Protection Institute of Ireland.

## **6. Radiation Protection**

### ***a) Radiation protection standards***

Legislative provisions relating to the protection of workers and the public from radiation are contained in a number of different acts, regulations and orders. The most important of these are the Radiological Protection Act, 1991, as amended, and the following instruments: the European Communities (Medical Ionising Radiation) Regulations, 1988 [S.I. No. 189 of 1988]; the European Communities (Radiological and Nuclear Medicine Installations) Regulations, 1998 [S.I. No. 250 of 1998]; and the Radiological Protection Act, 1991 (Ionising Radiation) Order, 2000 [S.I. No. 125 of 2000]. Other relevant provisions that deal more generally with health and safety are to be found in the Safety, Health and Welfare at Work Act, 1989 and the Health Act, 1953.

The Radiological Protection Act, 1991, as amended, confers extensive powers in relation to the protection of agriculture, livestock, fisheries and water supplies. Under Section 31 of the act, as amended by Section 65 of the Food Safety Authority of Ireland Act, 1998, the Minister for the Environment, Heritage and Local Government may prescribe acceptable levels of radioactivity in respect of animals, fauna, poultry, eggs, crops, fish etc. intended for human consumption or any food. For the purpose of protecting individuals from radioactivity contained in food in circumstances where specified levels of activity are, or are likely to have been exceeded, the Minister for Agriculture and Food, the Minister for Communications, Marine and Natural Resources, the Minister for Health and Children and the Minister for Finance in co-operation with the Food Safety Authority of Ireland are given wide regulation-making powers in respect of the harvesting and movement of crops, slaughter of animals, taking of fish, sale and export of food, and taking and sale of fauna [Section 32, as amended by Section 65 of the Food Safety Authority of Ireland Act]. The responsible ministers are empowered to order the slaughter of animals and destruction of food products where the prescribed levels of activity have been exceeded [Section 32, as amended]. These provisions are designed to protect individuals and the public in general from radiological hazards.

Another element in the legislative framework of protection of the public is the power of the Institute, the Food Safety Authority of Ireland and specified ministers to appoint inspectors [Section 28 of the Radiological Protection Act, 1991, as amended] authorised to obtain information, take samples, enter premises, evacuate land or buildings and take control of any radioactive substance, nuclear device or irradiating apparatus [Section 29].

The European Communities (Medical Ionising Radiation) Regulations 1988, [S.I. No. 189 of 1988] and the European Communities (Radiological and Nuclear Medicine Installations) Regulations, 1998 [S.I. 250 of 1998] give effect to Council Directive 84/466/Euratom of 3 September 1984, laying down basic measures for the radiation protection of persons undergoing medical examination or treatment. The 1998 Regulations establish criteria of acceptability for radiological and nuclear medicine installations. They give effect to the provisions of Council Directive 84/466/Euratom relating to efficiency of such installations and their equipment. The two basic principles expressed by



the 1998 Regulations are that the exposure of a patient to ionising radiation must be medically justified [Regulation 3] and that the dose to the patient must be as low as is reasonably achievable [Regulation 4]. The regulations make it an offence for a person to expose a patient to ionising radiation in the course of medical or dental treatment, unless that person has completed a course of training in radiation protection techniques [Regulations 5, 7 and 10]. Medical and dental practices must meet the requirements under the 1998 Regulations and the 1991 Regulations (referred to above). The 1991 Regulations require the authorisation of the Radiological Protection Institute of Ireland before a medical or dental practice may begin to expose patients to radiation [Regulation 4(4)], and give the Institute a continuing supervisory role [Regulation 4]. On the other hand, the Medical Council and the Dental Council are given the function, under the 1988 Regulations, of ensuring that practitioners have been adequately trained in radiation protection and techniques [Regulations 5, 6 and 7].

The Radiological Protection Act, 1991 (Ionising Radiation) Order, 2000 [S.I. No. 125 of 2000] replaces both the European Communities (Ionising Radiation) Regulations 1991 [S.I. No. 43 of 1991] and the European Communities (Protection of Outside Workers from Ionising Radiation) Regulations, 1994 [S.I. No. 144 of 1994]. It gives effect to Council Directive 96/29/Euratom of 13 May 1996, laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation, and Council Directive 90/641/Euratom of 4 December 1990, on the operational protection of outside workers exposed to the risk of ionising radiation during their activities in controlled areas. The order applies to all practices which involve a risk from ionising radiation emanating from an artificial source or from a natural radiation source, in cases where natural radionuclides are being, or have been, processed in view of their radioactive, fissile or fertile properties.

General occupational health and safety provisions are to be found in the Safety, Health and Welfare at Work Act, 1989. The act covers all aspects of health and safety at work, including nuclear hazards. It establishes the Health and Safety Authority (HSA). Employers are required to identify and assess risks in the workplace and to establish consultation mechanisms between employers and employees.

The European Communities (Drinking Water) Regulations, 2000 [S.I. No. 439 of 2000] came into operation on 1 January 2004. The regulations give effect to provisions of EU Council Directive 98/83/EC on the quality of water intended for human consumption, and prescribe quality standards to be applied in relation to certain supplies of drinking water. This instrument stipulates that the radiation dose arising from one year's consumption of drinking water should not exceed 0.1 mSv. It further stipulates that the dose calculation should include contributions from all natural and artificial radionuclides with the exception of tritium, potassium-40, radon and radon decay products.

The European Communities (Foodstuffs Treated with Ionising Radiation) Regulations, 2000 [S.I. No. 297 of 20 September 2000] implement Directive 1999/2/EC on the approximation of the laws of Member States concerning foods and food ingredients treated with ionising radiation, and Directive 1999/3/EC on the establishment of a Community list of foods and food ingredients treated with ionising radiation, both adopted by the European Parliament and the Council on 22 February 1999. The regulations should be read together with these Directives.

The regulations lay down general provisions for the treatment of food with ionising radiation. Any person proposing to carry on the business of irradiating food is required, in particular, to obtain both a licence from the Radiological Protection Institute of Ireland as well as a permit from the Food Safety Authority of Ireland. These bodies may attach any conditions which they deem appropriate to the licence or permit, which is issued for a period up to three years.

The regulations also provide for the appointment of an authorised officer or inspector whose mission is to carry out examinations, tests, inspections and checks of the irradiation facility premises, any food, article or substance used in food irradiation, and any equipment, machinery or plant at the premises. The regulations refer to a positive list of foods authorised for treatment with ionising radiation and their maximum radiation doses, which are contained in Directive 1999/3/EC.

**b) *Emergency response***

At the international level, Ireland ratified both the 1986 Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency and the 1986 Convention on Early Notification of a Nuclear Accident on 13 September 1991. One of the purposes of the Radiological Protection Act, 1991, as amended, is to give effect to the provisions of these two Conventions. The Radiological Protection Institute of Ireland is statutorily responsible under Section 7 of the 1991 Act for assisting in radiological emergency planning and for the implementation of measures to deal with such emergencies. The Institute is also responsible for giving assistance to and co-operating with other states in the event of a radiological emergency. The 1991 Act, as amended, also gives specific powers to inspectors in the event of any suspected radiological hazard [Section 29(2)], and extensive powers to ministers to order the slaughter of animals, destruction of crops, etc., or other food and disposal of the remains, when specified levels of radioactivity have been exceeded [Section 33, as amended by Section 65 of the Food Safety Authority of Ireland Act 1998].

A person who is licensed by the Institute under the 1991 Act, as amended, to deal with radioactive material is obliged under Section 34 of the act to notify the Institute of any accident, loss or theft of any such material.

## **7. Radioactive Waste Management**

One of the general functions of the Radiological Protection Institute of Ireland is to advise the government on radiological safety matters, including the disposal of radioactive substances [Radiological Protection Act, 1991 Section 7(1)(d)]. More specifically, the Minister for the Environment, Heritage and Local Government has the power, after consultation with the various ministers concerned to make an order regulating the disposal of radioactive substances [Section 30(1)]. The order may prohibit disposal, save under licence issued by the Institute.

The Radiological Protection Act, 1991 (General Control of Fissile Fuels, Radioactive Substances and Irradiating Apparatus) Order, 1993 [S.I. No. 151 of 1993], which repealed and replaced the Nuclear Energy (General Control of Fissile Fuels, Radioactive Substances and Irradiating Apparatus) Order 1977, provides that activities involving radioactive waste products, including transport, may not be carried out without a licence from the Institute. The licence, which may be subject to conditions, is issued for a limited period and may be revoked by the Institute when the conditions of the licence are not being met.

The European Communities (Supervision and Control of Certain Shipments of Radioactive Waste) Regulations, 1994 [S.I. No. 276 of 1994] provide for the implementation of Council Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community, whenever quantities and concentrations of such waste exceed certain levels. The provisions of these regulations governing such shipments supplement the existing Council Directives on basic safety standards for the health protection of workers and the general public against the dangers of ionising radiation.

The Dumping at Sea Act 1996 enforces strict limitations on the types of substances that can be dumped at sea, with an express prohibition against the disposal of radioactive substances or materials irrespective of their activity level. The act also extends the limit of Ireland's control from 12 miles up to 200 miles off the Irish coast and in some areas up to 350 miles off the Irish coast.

In this respect, it is relevant to note that Ireland ratified the 1972 London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter on 17 February 1982.

Ireland also ratified the 1997 Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management on 20 March 2001. Ireland, being the 25<sup>th</sup> Signatory State to ratify the Joint Convention, triggered the entry into force of the Convention, which took place 90 days thereafter on 18 June 2001.

## **8. Non-Proliferation and Physical Protection**

Ireland ratified the 1968 Treaty on the Non-Proliferation of Nuclear Weapons on 1 July 1968 and the Comprehensive Nuclear Test Ban Treaty on 15 July 1999. It also ratified the 1979 Convention on the Physical Protection of Nuclear Material on 6 September 1991.

## **9. Transport**

The transport of radioactive materials in Ireland is prohibited, save under licence of the Radiological Protection Institute of Ireland [Radiological Protection Act, 1991, Section 30]. The instrument setting out the current system of regulation is the Radiological Protection Act 1991 (General Control of Fissile Fuels, Radioactive Substances and Irradiating Apparatus) Order, 1993 [S.I. No. 151 of 1993]. The order provides that the transport of fissile fuel and other radioactive materials, including their import and export, can only be undertaken with a licence issued by the Radiological Protection Institute of Ireland. The licence may be made subject to whatever conditions the Institute considers necessary. These licence conditions specify general safety measures that must be observed by the licensee and require in particular that the radioactive material be shielded, packaged and transported in accordance with the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Material.

Ireland has ratified the International Convention concerning the Carriage of Goods by Rail (CIM) and the licence granted by the Radiological Protection Institute of Ireland will, where appropriate, specify that the provisions of the International Regulations concerning the Carriage of Dangerous Goods by Rail (RID) which form Annex I of the Convention, be respected.

The maritime carriage of radioactive materials is undertaken in accordance with the Merchant Shipping (Dangerous Goods) Rules, 1992 [S.I. No. 391 of 1992] which was made under the Merchant Shipping (Safety Convention) Act, 1952 [No. 29 of 1952] and the European Communities (Minimum Requirements for Vessels Carrying Dangerous or Polluting Goods) Regulations, 1995 [S.I. No. 229 of 1995], as amended by the European Communities (Minimum Requirements for Vessels Carrying Dangerous or Polluting Goods) Regulations, 1995 (Amendment) Regulations 1998 [S.I. No. 3 of 1998] and by the European Communities (Minimum Requirements for Vessels Carrying Dangerous or Polluting Goods) Regulations, 1995 (Amendment) Regulations 1998 [S.I. No. 394 of 1998] and by the European Communities (Minimum Requirements for Vessels Carrying Dangerous or Polluting Goods) (Amendment) Regulations, 1999 [S.I. No. 96 of 1999] made under the European Communities Act, 1972 [No. 27 of 1972]. Observance of the International Maritime Dangerous Goods Code of the

International Maritime Organisation (IMO) is normally required in compliance with the obligations imposed by the Irish rules.

In Ireland, the domestic and international transport of radioactive materials by air is regulated by the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders, 1973 and 1989 [S.I. Nos. 224 of 1973 and 130 of 1989].

## **10. Nuclear Third Party Liability**

There are no specific provisions in Irish legislation governing nuclear third party liability. Furthermore, Ireland is not a party to any of the international conventions relating to nuclear liability.

## **II. INSTITUTIONAL FRAMEWORK**

In Ireland, responsibility for nuclear and radiological protection matters is shared among several ministers but rests mainly with the Minister for the Environment, Heritage and Local Government. Under the supervisory authority of the Minister, the Radiological Protection Institute of Ireland advises the government on radiological safety; administers a licensing system in respect of radioactive substances, irradiating apparatus and other sources of ionising radiation; monitors levels of radiation; carries out research; develops emergency plans and provides information to the public.

### **1. Regulatory and Supervisory Authorities**

#### ***a) Minister for the Environment, Heritage and Local Government***

The Minister for the Environment, Heritage and Local Government exercises general responsibility for nuclear and radiological protection matters, while other ministers have specific responsibilities over certain aspects of these. The Radiological Protection Institute of Ireland is accountable to the above Minister. It is obliged to make an annual report to the Minister, who in turn is required to lay it before parliament [Radiological Protection Act, 1991, Section 17].

The Minister's power to regulate, restrict or prohibit (save under licence issued by the Institute) any activity relating to radioactive substances is also exercised by means of orders made under the 1991 Act after consultation with the ministers concerned and the Institute [Section 30(1)]. The Order [S.I. No. 151 of 1993], referred to earlier, which sets up a system regulating the use, transport, storage, disposal etc. of fissile fuels and other radioactive substances or devices, is an example of the exercise of this ministerial power.

The Minister is also empowered under Section 30(2) of the 1991 Act to give effect to European Union decisions relating to the protection of workers and the general public from ionising radiation; again, the mechanism is a ministerial order made after consultation with other ministers. It is also the Minister for the Environment, Heritage and Local Government's responsibility to specify the permitted levels of activity in respect of animals, crops, water supplies, etc. intended for human

consumption [Section 31, as amended by Section 65 of the Food Safety Authority of Ireland Act, 1998]. These levels are prescribed by regulations made by the Minister after consultation with the Ministers for Agriculture and Food; Finance; Health and Children; Communications, Marine and Natural Resources; the Institute and the Food Safety Authority of Ireland.

**b) *Minister for Agriculture and Food***

If there is a risk that prescribed levels of radioactivity have been exceeded, the Minister for Agriculture and Food may make regulations to control agricultural activities in a particular area [Radiological Protection Act, 1991, Section 32(1)(a) and (b), as amended]. The Minister can regulate the movement of animals, crops, food etc. into or out of the area, the harvesting of crops, the slaughter of animals and the sale, importation or exportation of animals, crops, food etc. The purpose of these powers is to protect the general public from levels of activity in food that exceed those specified. The Minister must, before making the regulations, consult with the Ministers for the Environment, Heritage and Local Government; for Health and Children; for Finance; the Institute and the Food Safety Authority of Ireland. Where animals have been affected by excessive levels of activity, the Minister may order the slaughter and disposal of these animals [Section 33(1), as amended]. Similarly, where crops or food have been affected, the Minister may order their destruction and disposal [Section 33(2), as amended].

The Minister also has the power, in the event of a radiological emergency, to compulsorily acquire animals, crops, food and water resources etc. [Section 32(2)]. This can only be done after consultation with the Minister for the Environment, Heritage and Local Government, the Institute and the Food Safety Authority of Ireland.

**c) *Minister for Communications, Marine and Natural Resources***

The Minister for Communications, Marine and Natural Resources has the power to regulate fishing and aquaculture activities in an area where levels of activity, prescribed by regulations made under Section 31(1) of the Radiological Protection Act, 1991, as amended may have been exceeded [Radiological Protection Act, 1991, Section 32(1)(c) and (d), as amended]. The Minister must, before making the regulations, consult with the Ministers for the Environment, Heritage and Local Government; Health and Children; the Institute; and the Food Safety Authority of Ireland. Where fish, fishery products or seaweed have been affected by excessive levels of activity, the Minister for Communications, Marine and Natural Resources may order their destruction and disposal [Section 33(3), as amended by Section 65 of the Food Safety Authority of Ireland Act, 1998].

The Minister also has the power, in the event of a radiological emergency, to compulsorily acquire fish, seaweed or fishery products [Section 32(2), as amended by Section 65 of the Food Safety Authority of Ireland Act, 1998]. This can only be done after consultation with the Minister for the Environment, Heritage and Local Government; the Institute; and the Food Safety Authority of Ireland.

The Harbours Act, 1996 prescribes detailed provisions in relation to safety of navigation and security in harbours and provides broad statutory powers for harbour masters to give directions to ships masters including the prevention of ships navigating for safety reasons. Section 52(2) of the act specifically enjoins harbour masters from permitting entry of radioactive material (within the meaning of the IMO's International Maritime Dangerous Goods Code) without the consent of the Radiological Protection Institute of Ireland. In addition, Section 52(3) of the act specifically prohibits ships,

vehicles or conveyances which are nuclear powered or carrying nuclear weapons or nuclear material from entering a harbour unless a statutory exemption is granted or a ship is in distress.

**d) *Minister for Finance***

Where prescribed levels of radioactivity may have been exceeded, the Minister for Finance can make regulations in relation to wildlife fauna, in order to protect the general public. Before doing so, the Minister must consult with the Ministers for the Environment, Heritage and Local Government; Health and Children; Agriculture and Food; the Institute; and the Food Safety Authority of Ireland [Radiological Protection Act, 1991, Section 32(1)(e), as amended]. The Minister for Finance can also order the destruction and disposal of any wildlife fauna affected by excessive levels of activity [Section 33(4), as amended].

**e) *Minister for Health and Children***

Where prescribed levels of radioactivity may have been exceeded, the Minister for Health and Children may make regulations, as prescribed by European Union Directives, controlling the importation or exportation of any food into or out of Ireland. Before making such regulations, the Minister must consult with the Ministers for the Environment, Heritage and Local Government; Agriculture and Food; the Institute; and the Food Safety Authority of Ireland [Radiological Protection Act, 1991, Section 32(1)(f), as amended].

The Minister for Health and Children also has certain powers in relation to the medical use of radioactive substances and irradiating apparatus. The Minister is empowered to make regulations, as prescribed by European Union Directives, to prevent hazards to the health of persons using such substances or apparatus, and may also prohibit dealings with them except in accordance with specified conditions or the granting of a licence [Act No. 26 of 1953, Section 59].

**f) *Minister for Defence***

It is the policy in Ireland that government departments and agencies take the lead role in planning for emergencies in the areas for which each has statutory responsibility. The responsibility for the co-ordination and oversight of government peacetime planning was conferred on the Minister for Defence by a government Decision [S180/46/01/0002] dated 2 October 2002, establishing an Office of Emergency Planning at the Department of Defence.

The role of this Office of Emergency Planning is prescribed by this government decision, which states that the Office will:

- take the lead role in emergency planning to meet the new threat from international terrorism and from any escalation in international tensions, including co-ordination of the responses by the various agencies involved; and
- exercise an oversight role in relation to peacetime planning in order to ensure the best possible use of resources and compatibility between different planning requirements.

The Minister for Defence also convenes and chairs the Government Task Force on Emergency Planning, established in October 2001, and is supported in this role by the Office of Emergency

Planning. The Office of Emergency Planning also convenes and chairs an Interdepartmental Working Group on Emergency Planning.

Government departments and agencies with responsibilities for emergency planning, including those responsible for nuclear safety and related nuclear emergency planning issues, report to the Minister for Defence at meetings of the Government Task Force on Emergency Planning. However, such government departments and agencies continue to be responsible to their Ministers for policy direction. The Minister Defence reports to the government on such emergency planning matters.

## **2. Public and Semi-Public Agencies**

### ***a) Radiological Protection Institute of Ireland***

#### *i) Legal Status*

This Institute was established under the Radiological Protection Act, 1991, and replaced the Nuclear Energy Board which was dissolved by the act [Section 21]. All assets and liabilities of the Nuclear Energy Board were transferred to the new Institute [Section 22]. References to the Board in legislation predating the establishment of the Institute are to be read as references to the Institute [Section 21]. The Institute, like the Board, is a body corporate capable of suing and being sued in its corporate name, and able to acquire, hold and dispose of land and other property [1991 Act, Schedule 1, Item 1].

#### *ii) Responsibilities*

The Institute's functions are set out in the Radiological Protection Act, 1991, as amended. The Minister for the Environment, Heritage and Local Government may, by order, confer additional functions on the Institute following consultation with other ministers specified in Section 9 of the 1991 Act.

The Institute's responsibilities fall into the following categories:

- monitoring activity and ionising radiation [Section 7(1)(a) and (b)];
- advising the government on radiological safety matters and on the relevant international standards [Section 7(1)(d) and (f)];
- monitoring any scientific, technological, economic or other development relating to nuclear activity and keeping the government informed of such developments [Section 7(1)(h)];
- carrying out or co-ordinating research [ Section 7(1)(j)]; and
- assisting in planning and implementation of measures to deal with radiological emergencies [Section 7(1)(e) and (i)], and giving information to the public on radiological safety [Section 7(i)(k)].

The act also specifies various specific functions for the Institute which make the Institute the main point of contact for Ireland in the international context. The Institute is responsible for

exchanging information and co-operating with its counterparts in other states, and for giving assistance to other states in the event of a radiological emergency [Section 8(a)-(e)]. It is also charged with collecting and disseminating information relevant to nuclear activities [Section 8(e)] and with advising the government on representation of the state on international bodies dealing in nuclear energy [Section 8(m)].

The Institute is the national competent authority for the purposes of the Convention on Early Notification and the Convention on Assistance in the Case of a Nuclear Accident, and is the central national authority responsible for the physical protection of nuclear material [Section 27].

The Institute is the licensing authority in relation to fissile fuel and other radioactive substances [S.I. No. 151 of 1993]. It is also responsible for the appointment of inspectors under the act [Section 28(1)].

*iii) Structure*

The members of the Institute are appointed by the Minister for the Environment, Heritage and Local Government with the consent of the Minister for Finance. The Minister may appoint up to twelve members, including the chairperson, and must appoint at least seven [1991 Act, Schedule 1, Item 2]. Each member's term of office is determined by the Minister upon appointment, but is not to exceed five years [Schedule 1, Item 9].

In addition to the members, the Institute has a full-time Chief Executive Officer and staff [1991 Act, Sections 11 and 12]. It also has the power to establish committees, consisting of members of the Institute and others, to assist and advise it in relation to its functions; however, any action of a committee is subject to confirmation by the Institute [1991 Act, Section 18].

*iv) Financing*

The Minister for the Environment, Heritage and Local Government may advance amounts of money, from sums provided by parliament (the *Oireachtas*), to the Institute for the purposes of its expenditure in performing its functions [1991 Act, Section 15]. In addition, the Institute may accept remuneration in return for services and facilities provided by it [Section 19(1)]. It may also accept donations, but only with the consent of the Minister for the Environment, Heritage and Local Government and the Minister for Finance [Section 19(2)].

The Institute is required to keep accounts, have them audited, and submit them to the Minister for the Environment, Heritage and Local Government. The Minister is required to lay copies of the Institute's Annual Report and Accounts before each House of Parliament [Section 16].

***b) Food Safety Authority of Ireland***

This Authority was established under the Food Safety Authority of Ireland Act, 1998 [S.I. No. 29 of 1998].

The principal function of the Authority is to ensure that food produced in Ireland and food distributed or marketed in Ireland meets the highest standards of food safety and hygiene reasonably achievable and complies with food legislation in respect of food safety and hygiene standards.



With regard to radioactivity in food, it is a function of the Authority to ensure that such food complies with the Radiological Protection Act, 1991 (General Control of Radioactive Substances, Nuclear Devices and Irradiating Apparatus), Order, 1993 [S.I. No. 151 of 1993]. Furthermore, Section 65 of the Food Safety Authority of Ireland Act, 1998 which amends certain sections of the Radiological Protection Act, 1991, specifies the role of the Authority in regard to the protection of individuals from levels of radioactivity in animals, fauna, poultry, eggs, crops, animal carcasses, feeding stuffs, fish, seaweed, bottled water or water supplied intended for human consumption or any food, where specified levels of radioactivity have been or are likely to be exceeded.