



Number 8 of 2018

Radiological Protection (Amendment) Act 2018



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RADIOLOGICAL PROTECTION (AMENDMENT) ACT 2018

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RADIOLOGICAL PROTECTION (AMENDMENT) ACT 2018

An Act to amend and extend the Radiological Protection Act 1991; to transfer functions of the Minister for Housing, Planning and Local Government under the Radiological Protection Acts 1991 to 2014 as amended and extended by this Act to the Minister for Communications, Climate Action and Environment; to transfer the functions of the Minister for Housing, Planning and Local Government under the Containment of Nuclear Weapons Act 2003 to the Minister for Communications, Climate Action and Environment; to transfer a function of the Minister for Transport, Tourism and Sport under section 52 of the Harbours Act 1996 to the Minister for Communications, Climate Action and Environment; and to provide for related matters. [5th June, 2018]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, collective citation and commencement

1. (1) This Act may be cited as the Radiological Protection (Amendment) Act 2018.
- (2) This Act (other than *Part 3*, in so far as it relates to the Containment of Nuclear Weapons Act 2003, and *Part 4*) and the Radiological Protection Acts 1991 to 2014 may be cited together as the Radiological Protection Acts 1991 to 2018.
- (3) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Definitions

2. In this Act—
“enactment” means—
 - (a) an Act of the Oireachtas,

- (b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and that continues to be of full force and effect by virtue of Article 50 of the Constitution, or
- (c) any instrument made under an Act of the Oireachtas or a statute referred to in *paragraph (b)*;

“Minister” means the Minister for Communications, Climate Action and Environment;

“Principal Act” means the Radiological Protection Act 1991;

“vesting day” means—

- (a) in *Part 3*, the day appointed as the vesting day for the purposes of that Part by the Minister under *section 23*, and
- (b) in *Part 4*, the day appointed as the vesting day for the purposes of that Part by the Minister under *section 31*.

PART 2

AMENDMENT OF PRINCIPAL ACT

Amendment of section 2 of Principal Act

3. Section 2 of the Principal Act is amended—

- (a) by the substitution of the following definition for the definition of “activity”:

“ ‘activity’ (A), other than in relation to a human activity and a relevant activity, is the activity of an amount of radionuclide in a particular energy state at a given time. It is the quotient of dN by dt , where dN is the expectation value of the number of nuclear transitions from that energy state in the time interval dt :

$$A=dN/dt$$

The unit of activity is the bequerel (Bq);”

- (b) in the definition of “medical or dental application”, by the substitution of “radiation sources” for “radioactive substances, nuclear devices or irradiating apparatus”;
- (c) by the substitution of the following definition for the definition of “radioactive substance”:

“ ‘radioactive substance’ means any substance that contains one or more radionuclides the activity or activity concentration of which cannot be disregarded from a radiation protection point of view;”
- (d) in the definition of “radiological hazards”, by the substitution of “and radiation sources” for “, radioactive substances, nuclear devices and irradiating apparatus”, and

(e) by the insertion of the following definitions:

“ ‘accelerator’ means equipment or installation in which particles are accelerated, emitting ionising radiation with energy higher than 1 mega-electron volt (MeV);

‘Agency’ means the Environmental Protection Agency;

‘apprentice’ means a person receiving training or instruction within an undertaking with a view to the person concerned exercising a specific skill;

‘authorisation’ means registration or a licence;

‘carers and comforters’ means individuals knowingly and willingly incurring an exposure to ionising radiation by helping, other than as part of their occupation, in the support and comfort of individuals undergoing or having undergone medical exposure;

‘European act’ has the meaning given to it by section 8(3) of the European Union Act 2009;

‘exposure’ means the act of exposing or condition of being exposed to ionising radiation emitted outside the body (external exposure) or within the body (internal exposure);

‘licence’ means a licence granted by the Agency pursuant to regulations made under section 30 to permit a person to carry out, subject to the conditions (if any) specified in the licence, the relevant activity in respect of which the licence is granted;

‘licensee’ means a person to whom a licence is for the time being granted;

‘medical exposure’ means exposure incurred by patients or asymptomatic individuals as part of their own medical or dental diagnosis or treatment and intended to benefit their health as well as exposure incurred by carers and comforters and by volunteers;

‘members of the public’ means individuals who may be subject to public exposure;

‘non-medical imaging exposure’ means any deliberate exposure of humans for imaging purposes where the primary intention of the exposure is not to bring a health benefit to the individual being exposed;

‘normal exposure’ means exposure expected to occur under the normal operating conditions of a facility or human activity (including maintenance, inspection, decommissioning) including minor incidents that can be kept under control, that is to say, during normal operation and anticipated occupational occurrences;

‘occupational exposure’ means exposure of workers, apprentices and students incurred in the course of their work;

‘planned exposure situation’ means an exposure situation that arises from the planned operation of a radiation source or from a human activity which alters exposure pathways so as to cause the exposure or potential exposure of people or the environment and may include both normal exposures and potential exposures;

‘potential exposure’ means exposure that is not expected with certainty but may result from an event or sequence of events of a probabilistic nature, including equipment failures and operating errors;

‘practice’ means a relevant activity that is managed as a planned exposure situation;

‘public exposure’ means exposure of individuals excluding occupational or medical exposure;

‘radiation generator’ means a device capable of generating ionising radiation such as x-rays, neutrons, electrons or other charged particles including irradiating apparatus and nuclear generators;

‘radiation source’ means an entity that may cause exposure such as by emitting ionising radiation or by releasing radioactive material and encompasses a radiation generator, radioactive material, radioactive source and radioactive substance;

‘radioactive material’ means material incorporating radioactive substances;

‘radioactive source’ means a radiation source incorporating radioactive material for the purpose of utilising its radioactivity;

‘registered person’ means a person to whom a registration is for the time being granted;

‘registration’ means registration of a relevant activity granted by the Agency pursuant to regulations made under section 30 to permit a person to carry out, subject to the conditions (if any) attached to the registration, the relevant activity;

‘relevant activity’ means a human activity which can increase the exposure of individuals to radiation from a radiation source and includes the custody, production, processing, handling, holding, storage, use, recycling, manufacture, import, distribution, transport, export or other disposal of the radiation source;

‘undertaking’ means a person who has legal responsibility for the carrying out of a practice or for a radiation source (including where the owner or holder of the radiation source does not conduct related human activities);”.

Amendment of section 7 of Principal Act

4. Section 7 of the Principal Act is amended—

- (a) in subsection (1)—
- (i) in paragraph (d), by the substitution of “the carrying out of any relevant activity regardless of the location of the radiation source concerned” for “the transport, use, storage, maintenance and disposal of radioactive substances, nuclear devices or irradiating apparatus wheresoever located”,
 - (ii) in paragraph (f), by the substitution of “radiation sources” for “radioactive substances, nuclear devices, irradiating apparatus”, and
 - (iii) in paragraph (h), by the substitution of “radiation sources” for “radioactive substances, nuclear devices, irradiating apparatus”,
- (b) in subsection (2)—
- (i) by the substitution of “The functions of the Agency in relation to” for “Without prejudice to the European Communities (Ionising Radiation) Regulations 1991 (S.I. No. 43 of 1991), the functions of the Institute, in relation to”,
 - (ii) by the substitution of “radiation source” for “radioactive substance, nuclear device or irradiating apparatus” in each place that it occurs, and
 - (iii) by the substitution of “radiation source” for “substance, device or apparatus” in each place that it occurs,
- (c) in subsection (4), by the substitution of “The Agency may carry out a relevant activity for any purpose in connection with a function conferred on the Agency” for “The Institute may have custody of, produce, process, handle, hold, store, use, manufacture, import, distribute, transport, export or otherwise dispose of radioactive substances, nuclear devices or irradiating apparatus for any purpose in connection with a function conferred on the Institute”,
- (d) by the substitution of the following subsection for subsection (5):
- “(5) The Agency shall not be required to be a registered person or licensee to carry out a relevant activity for any purpose in connection with a function specified in subsection (4).”
- and
- (e) in subsection (6), by the substitution of “Any relevant activity carried out by the Agency before the 30th day of July 2014” for “Any custody, production, processing, handling, storing, using, manufacture, import, distribution, transport, export or disposal by the Institute, prior to the commencement of section 45 of the Radiological Protection (Miscellaneous Provisions) Act 2014, of radioactive substances, nuclear devices or irradiating apparatus”.

Amendment of section 8 of Principal Act

- 5.** Section 8 of the Principal Act is amended—

- (a) in paragraph (f), by the substitution of “radiological safety or radiation sources” for “radiological safety, radioactive substances, nuclear devices or irradiating apparatus”,
- (b) in paragraph (g), by the substitution of “radiation sources” for “radioactive substances, nuclear devices or irradiating apparatus”,
- (c) by the substitution of the following paragraph for paragraph (j):
 - “(j) to operate a licensing system and a registration system in respect of the carrying out of relevant activities;”,
- (d) by the substitution of the following paragraph for paragraph (k):
 - “(k) to provide and, where appropriate, approve of, training in relation to relevant activities and in relation to radiological safety;”,
- (e) in paragraph (l), by the substitution of “radiation sources” for “radioactive substances, nuclear devices, irradiating apparatus”, and
- (f) in paragraph (m), by the substitution of “radiation sources” for “radioactive substances, nuclear devices, irradiating apparatus”.

Amendment of section 9 of Principal Act**6. Section 9 of the Principal Act is amended—**

- (a) in subsection (1)(a)—
 - (i) by the substitution of “the Agency may for the time being provide or carry on” for “the Institute is authorised for the time being to provide or carry on”,
 - (ii) by the substitution of “European act” for “directive, regulation or other act adopted by an institution of the European Communities”, and
 - (iii) by the substitution of “radiation sources” for “radioactive substances, nuclear devices, irradiating apparatus”,
- (b) in subsection (2)—
 - (i) in paragraph (a), by the substitution of “radiation sources” for “radioactive substances, nuclear devices or irradiating apparatus”, and
 - (ii) in paragraph (b), by the substitution of “carrying out of a relevant activity in relation to such radiation sources as may be specified in the order” for “custody, use, manufacture, importation, distribution, transportation, insurance, sale, exportation or other disposal of radioactive substances or irradiating apparatus or nuclear devices as may be specified in the order”,and
- (c) by the substitution of the following subsection for subsection (3):
 - “(3) Before making an order under this section, the Minister shall consult with the Minister for Public Expenditure and Reform and such other (if any) Minister of the Government as the Minister considers

appropriate having regard to the functions of that other Minister of the Government.”.

Amendment of section 29 of Principal Act

7. Section 29 of the Principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (a)—

(I) by the substitution of “radiation sources” for “radioactive substances, nuclear devices, irradiating apparatus”, and

(II) by the substitution of “radiation sources,” for “radioactive substances, nuclear devices or irradiating apparatus,”,

(ii) in paragraph (b)—

(I) by the substitution of “any relevant activities relating to such radiation sources” for “any activities relating to such substances, devices, apparatus”, and

(II) by the substitution of “relating to such relevant activities” for “relating to such activities”,

and

(iii) in paragraph (e), by the substitution of “radiation source” for “radioactive substance, nuclear device or irradiating apparatus”,

and

(b) in subsection (2)—

(i) by the substitution of “radiation source” for “radioactive substance, nuclear device or irradiating apparatus” in each place that it occurs,

(ii) in paragraph (b), by the substitution of “radiation source” for “substance, device or apparatus”, and

(iii) in paragraph (c), by the substitution of “radiation source” for “substance, device or apparatus”.

Registration or licensing by Agency

8. The Principal Act is amended by the insertion of the following section after section 29:

“**29A.** (1) (a) A person who wishes to carry out a relevant activity which, pursuant to regulations made under section 30(1) or (2), requires authorisation and who is required by those regulations to be a registered person or a licensee in respect of the relevant activity, shall make an application, in accordance with regulations made under section 30(7), for authorisation in respect of the relevant activity before carrying out that relevant activity.

- (b) A person who wishes to renew a licence in respect of a relevant activity which, pursuant to regulations made under section 30(1) or (2), requires authorisation and who is required by those regulations to be a registered person or a licensee in respect of the relevant activity, shall make an application, before the expiration of the licence and in accordance with regulations made under section 30(7) in that regard, for the renewal of the licence.
- (2) (a) Subject to paragraph (b), where the Agency receives an application referred to in subsection (1), the Agency shall decide, based on its regulatory experience and taking into account—
- (i) the magnitude of expected or potential doses of radiation, and
 - (ii) the complexity of the relevant activity to which the application relates,
- whether it is registration or a licence which would be appropriate to be granted in respect of the relevant activity concerned.
- (b) The Minister may, in regulations made under section 30(1) or (2), provide in respect of a relevant activity that only a licence may be granted and, where provision is so made, the Agency shall, where it receives an application referred to in subsection (1) in respect of the relevant activity, consider the application on the basis that only a licence would be appropriate to be granted in respect of that relevant activity.
- (3) (a) Where, having considered an application, the Agency decides to grant registration or a licence, as the case may be, the Agency may, in accordance with section 30(4)—
- (i) attach conditions to the registration so granted, or
 - (ii) specify conditions in the licence so granted.
- (b) In the case of an application for the renewal of a licence referred to in subsection (1)(b), conditions which the Agency may attach to a registration or specify in a licence which the Agency decides to grant in respect of that application may or may not be the same as the conditions (if any) specified in the licence which is due to expire.
- (4) Where registration is granted by the Agency, the following shall apply:
- (a) the Agency may carry out inspections under section 29 in relation to the carrying out of the relevant activity in respect of which the registration is granted;
 - (b) the registration shall not be required to be renewed.
- (5) Where a licence is granted by the Agency, the following shall apply:

- (a) the Agency may carry out inspections under section 29 in relation to the carrying out of the relevant activity in respect of which the licence is granted;
- (b) the licence shall be required to be renewed periodically.”.

Register

9. The Principal Act is amended by the insertion of the following section after section 29A (inserted by *section 8*):

- “**29B.** (1) The Agency shall, in relation to relevant activities registered or licensed by it, establish and maintain—
- (a) a register of registered relevant activities, and
 - (b) a register of licensed relevant activities.
- (2) Where the Agency grants registration or a licence, it shall enter in the appropriate register referred to in subsection (1) particulars of—
- (a) the relevant activity registered or licensed, as the case may be,
 - (b) the registered person or licensee, as the case may be,
 - (c) the purpose for which the relevant activity has been registered or licensed,
 - (d) any conditions attached by the Agency to the registration or specified in the licence, and
 - (e) such other particulars as the Agency considers appropriate.
- (3) A relevant activity in respect of which registration or a licence is granted may be carried out in accordance with the registration or licence, as the case may be, from the date on which the particulars referred to in subsection (2) are entered in the register of registered relevant activities or the register of registered licensed activities, as appropriate.”.

Amendment of section 30 of Principal Act

10. (1) Section 30 of the Principal Act is amended by—

- (a) the substitution of the following subsection for subsection (1):

“(1) The Minister may by regulations provide for the carrying out of relevant activities and for interventions that may be required to deal with ionising radiation of natural, terrestrial or cosmic origin.”,

- (b) the substitution of the following subsection for subsection (2):

“(2) The Minister may make regulations for the purpose of giving effect to a European act which relates to relevant activities or the protection of

the health of individuals who are subject to occupational or public exposures against the dangers arising from ionising radiation.”,

(c) the insertion of the following subsection after subsection (2):

“(2A) In making regulations under subsection (1) or (2), the Minister shall have regard to different levels of activity and the extent to which radiation sources are, or may be, a danger to the life, health or welfare of any person or pose a risk of damage to the environment or to property and may regulate, restrict or prohibit, save in accordance with any conditions or requirements specified in the regulations, the carrying out of a relevant activity in relation to such radiation sources as may be specified in the regulations.”,

(d) the insertion of the following subsection after subsection (2A) (inserted by paragraph (c)):

“(2B) In addition to those matters referred to in subsection (2A), in making regulations under subsection (1) or (2) in relation to a practice, the Minister shall have regard to—

- (i) the magnitude and likelihood of exposures resulting from the practice, and
- (ii) the effect that the operation of this Act or any other Act or rule of law relating to radiation protection may have on—
 - (I) reducing the magnitude and likelihood of exposures resulting from the practice, and
 - (II) improving radiological safety.”,

(e) by the substitution of the following subsection for subsection (3):

“(3) Regulations under this section—

- (a) (other than regulations under subsection (7)), shall be made following consultation with the Minister for Public Expenditure and Reform, such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government and with the Agency,
- (b) may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations, and
- (c) may make provision for different circumstances or cases, classes or types.”,

(f) by the insertion of the following subsection after subsection (3):

“(3A) Without prejudice to the generality of subsections (1) and (2), regulations made under any of those subsections may provide for the following matters as the Minister considers appropriate:

- (a) a requirement that a relevant activity be granted authorisation before it may be carried out;
 - (b) the exemption of a relevant activity from a requirement that it be granted authorisation before it may be carried out;
 - (c) the attachment by the Agency of conditions to a registration in accordance with subsection (4);
 - (d) the specification by the Agency of conditions in a licence in accordance with subsection (4);
 - (e) conditions or requirements with which the Agency is to comply or actions or measures which the Agency is required to take in order to give effect to those regulations;
 - (f) conditions or requirements with which a person is to comply or actions or measures which a person is required to take for the purpose of monitoring and protecting workers, apprentices, students, members of the public, property or the environment who or which is, are or may be, subject to exposure.”,
- (g) the substitution of the following subsection for subsection (4):
- “(4) (a) Subject to subsections (4B) to (4E), the Agency may—
- (i) attach conditions to a registration,
 - (ii) specify conditions in a licence.
- (b) In deciding whether to attach conditions to a registration or to specify conditions in a licence and what those conditions, if any, should be, the Agency shall have regard to its functions under this Act and the importance of maintaining the protection of workers, apprentices, students, members of the public, property and the environment.
- (c) The Agency may attach to a registration conditions which the Agency considers are appropriate to be applied generally to the registration of the relevant activity concerned having regard to the manner in which that relevant activity is usually carried out by a person who is substantially similar to the person applying for authorisation.
- (d) In determining the conditions to be attached to a registration, the Agency shall have regard to—
- (i) the nature of the relevant activity and the circumstances in which it is carried out, including any equipment used in carrying it out,
 - (ii) the nature of the radiation source to which the relevant activity relates, and

- (iii) the levels of exposure from the radiation source to which the relevant activity relates.
- (e) In determining the conditions to be specified in a licence, the Agency shall have regard to—
 - (i) the nature of the relevant activity and the circumstances in which it is carried out, including any equipment used in carrying it out,
 - (ii) the nature of the radiation source to which the relevant activity relates,
 - (iii) the levels of exposure from the radiation source to which the relevant activity relates, and
 - (iv) any particular safety and security measures and safeguards that may be required for the purpose of the relevant activity being safely and securely carried out having regard to the circumstances in which the relevant activity is carried out.
- (f) Conditions attached to a registration or specified in a licence by the Agency under this section may include a condition that the registration shall be withdrawn or the licence revoked where the Agency is of the opinion that any of those conditions has not been complied with.”,
- (h) the substitution of the following subsection for subsection (4A):
 - “(4A) Where the Agency has attached a condition to a registration or specified a condition in a licence, the registered person or licensee shall comply with that condition.”,
- (i) the substitution of the following subsection for subsection (5):
 - “(5) (a) The Agency may—
 - (i) amend, including by attaching new conditions or amending a relevant activity stated to be registered, or withdraw, a registration, or
 - (ii) amend, including by specifying new conditions or amending a relevant activity stated to be licensed, or revoke, a licence.
 - (b) The Agency may amend, withdraw or revoke a registration or licence, as the case may be—
 - (i) on the receipt by the Agency of an application made pursuant to regulations made under subsection (7) in that behalf by the registered person or licensee, or
 - (ii) without prejudice to the generality of paragraph (a), where the Agency is of the opinion that—

- (I) the registered person or licensee has breached a condition attaching to the registration or specified in the licence, or
 - (II) having regard to the nature of the radiation source concerned and the circumstances in which the relevant activity is carried out, including any equipment used in carrying it out, there is a risk to the life, health or welfare of workers, apprentices, students or members of the public or a risk of damage to the environment or to property.”
- (j) the substitution of the following subsection for subsection (6):
- “(6) (a) Where the Agency proposes—
- (i) in relation to an application for authorisation referred to in section 29A(1) to—
 - (I) refuse the application, or
 - (II) grant the application with a condition attached to the registration or specified in the licence,or
 - (ii) where the relevant activity is registered or licensed, to—
 - (I) amend, including by the attachment of new conditions, the conditions attached to the registration or specified in the licence,
 - (II) amend the relevant activity stated to be so registered or licensed, or
 - (III) withdraw or revoke the registration or licence in accordance with subsection (5),it shall notify the applicant or, as the case may be, the registered person or licensee in writing accordingly, setting out the reasons for the proposal and giving the person an opportunity to make representations not later than 21 days after the date of the notice.
- (b) The notification referred to in paragraph (a) shall, in relation to a proposal referred to in paragraph (a), other than in clause (I) of paragraph (a)(i), specify the date on which the proposal is to take effect which, other than where paragraph (c) applies, shall not be before the expiration of the period of 21 days referred to in paragraph (a).
- (c) (i) Where the Agency makes a decision referred to in paragraph (a) (ii) and considers, having regard to the nature of the radiation source concerned and the circumstances in which the relevant activity is carried out, that there is a serious and immediate risk to the life, health or welfare of members of the public or a substantial risk of damage to the environment or to property, the

Agency may specify in the notice referred to in paragraph (a) that the decision is to be effective from the date on which the decision is made.

- (ii) Where this paragraph applies, the registered person or licensee shall, on receipt of the notification, immediately comply with the decision notwithstanding that that person may make representations to the Agency in accordance with paragraph (a).
 - (d) Any representations received under paragraph (a) shall be considered by the Agency which may decide (in this section referred to as the “final decision”) to proceed with the proposal or, where paragraph (c) applies, to confirm the decision.
 - (e) As soon as practicable after making its final decision, the Agency shall notify, in writing, the applicant or, as the case may be, the registered person or licensee of the final decision.
 - (f) The person notified under paragraph (e) may, not later than 14 days after the date of notification under that paragraph, appeal to the Circuit Court against the final decision and such an appeal shall be to the judge of the Circuit Court in whose jurisdiction the relevant activity is, or is proposed to be, carried out.
 - (g) On hearing an appeal under paragraph (f), the Circuit Court may make an order—
 - (i) to affirm the final decision,
 - (ii) to affirm the final decision subject to conditions, or
 - (iii) to quash the final decision and direct the Agency, for stated reasons, to re-consider its final decision within a period of 30 days after the making of the order.
 - (h) The decision of the Circuit Court on an appeal under paragraph (g) is final save that by leave of that Court an appeal shall lie to the High Court on a point of law.
 - (i) The Agency shall make an entry in the register of registered relevant activities or in the register of licensed relevant activities where a registration is withdrawn or a licence revoked which shall state the reason for the withdrawal or revocation.”,
- (k) the substitution of the following subsection for subsection (7):
- “(7) The Minister may, with the consent of the Minister for Public Expenditure and Reform, make regulations in relation to—
- (a) the procedure for the grant or amendment of registration or for the grant, renewal or amendment of a licence which may include provisions concerning—

- (i) the application procedures including any particulars regarding the applicant or relevant activity required to be furnished,
 - (ii) the form and manner of an application which may include a requirement that an application shall be made in writing or by electronic means,
 - (iii) when an application shall be made, including prior to commencement of a relevant activity or prior to the expiration of a licence,
 - (iv) the period of time for which the licence is to remain in force,
 - (v) the period of time within which fees, or a proportion of such fees, in respect of an application are to be paid to the Agency (including the payment of such fees prior to registration or a licence being granted or amended, as the case may be),
 - (vi) the circumstances in which the Agency may retain fees, or a proportion of such fees, paid to it in accordance with such regulations, and
 - (vii) the issuing by the Agency of a licence or of a certificate in respect of a registration, including the form and manner of such a licence or certificate, the manner (including by electronic means) in which it is to be issued and the information it is to contain,
- and
- (b) the fixing of fees payable to the Agency in respect of the registration or licensing of a relevant activity which may include, without prejudice to the generality of the foregoing—
 - (i) the fixing of fees payable in respect of an application for authorisation in respect of the relevant activity and to amend a registration or to amend or renew a licence,
 - (ii) any fee, or proportion of a fee, payable following the registration of, or grant of a licence in respect of, the relevant activity,
 - (iii) fixing of different fees in respect of—
 - (I) the number of radiation sources to which the registration or licence relates,
 - (II) the purpose for which the relevant activity has been registered or licensed, and
 - (III) the quantity of the radioactive substance to which the registration or licence relates,

and the fixing of fees under this subsection may include fees for different circumstances and different classes of persons.”,

and

- (1) by the deletion of subsection (8).
- (2) (a) An order or regulations made under section 30 of the Principal Act before the coming into operation of *subsection (1)*—
 - (i) shall not be revoked by the coming into operation of *subsection (1)*, and
 - (ii) may be revoked by regulations made following the coming into operation of *subsection (1)*.
- (b) Notwithstanding the amendment of section 30 of the Principal Act by *subsection (1)*—
 - (i) a licence granted by the Agency pursuant to an order made under section 30 of the Principal Act before the coming into operation of *subsection (1)* and which is in force immediately before the day on which regulations made by the Minister pursuant to section 30(1) or (2) as so amended come into operation shall continue in force on and after that day as if granted pursuant to those regulations for the unexpired period of that licence or until that licence is revoked, whichever is earlier,
 - (ii) an application for a licence made to the Agency pursuant to an order made under section 30 before the coming into operation of *subsection (1)* shall be regarded as an application for authorisation (within the meaning of section 2 of the Principal Act) made under regulations made under section 30 as so amended.

Amendment of section 31 of Principal Act

11. Section 31 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “the Minister, after consultation with the Minister for Public Expenditure and Reform, such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government, the Agency and the Food Safety Authority of Ireland” for “the Minister, after consultation with the Ministers for Agriculture and Food, Finance, the Environment and Local Government, Health and Children and the Marine and Natural Resources, the Institute and the Food Safety Authority of Ireland”, and
- (b) in subsection (2)(c), by the substitution of “the Minister, after consultation with such other (if any) Minister of the Government as he or she thinks appropriate having regard to the functions of that other Minister of the Government and with the Agency” for “the Minister for the Environment, after consultation with the Minister and the Institute”.

Amendment of section 32 of Principal Act**12.** Section 32 of the Principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (c), by the substitution of “after consultation with such (if any) Minister of the Government as he or she considers appropriate having regard to the functions of that other Minister of the Government” for “after consultation with the Minister, the Minister for Health and Children”, and

(ii) in paragraph (d), by the substitution of “after consultation with such (if any) Minister of the Government as he or she considers appropriate having regard to the functions of that other Minister of the Government” for “after consultation with the Minister, the Minister for Health and Children”,

and

(b) in subsection (2)(b), by the substitution of “after consultation with such (if any) Minister of the Government as he or she considers appropriate having regard to the functions of that other Minister of the Government” for “after consultation with the Minister”.

Amendment of section 34 of Principal Act

13. Section 34 of the Principal Act is amended in subsection (1) by the substitution of “radiation source held, used, manufactured, imported, distributed, transported or exported under a registration or licence, the registered person or licensee concerned shall” for “radioactive substance, nuclear device or irradiating apparatus held, used, manufactured, imported, distributed, transported or exported under a licence issued under this Act, the licensee shall”.

Amendment of section 40 of Principal Act**14.** Section 40 of the Principal Act is amended—

(a) in subsection (1), by the substitution of “regulations made under section 30” for “an order made under section 30”,

(b) in subsection (1A), by the substitution of “an application, in accordance with any regulations made under section 30—

(i) for authorisation,

(ii) to amend a registration, or

(iii) to amend or renew a licence,

shall be guilty of an offence” for “an application for a licence in accordance with an order or regulations made under section 30 (as amended by the Radiological Protection (Amendment) Act 2002) of this Act, including an application for a renewal or an amendment of a licence, shall be guilty of an offence”.

- (c) in subsection (1B), by the substitution of “a registration or specified in a licence” for “a licence granted pursuant to an order or regulations made under section 30 (as amended by the Radiological Protection (Amendment) Act 2002)”, and
- (d) in subsection (2)(d), by the substitution of “radiation source” for “substance, device or apparatus”.

Amendment of section 41 of Principal Act

15. Section 41 of the Principal Act is amended in subsection (1) by the substitution of “regulations made under section 30” for “an order made under section 30 of this Act”.

PART 3

TRANSFER OF CERTAIN FUNCTIONS UNDER THE RADIOLOGICAL PROTECTION ACTS 1991 TO 2014 AND TRANSFER OF FUNCTIONS UNDER CONTAINMENT OF NUCLEAR WEAPONS ACT 2003

Transfer of functions to Minister

16. The functions conferred on the Minister for Housing, Planning and Local Government by or under—
- (a) the Radiological Protection Acts 1991 to 2014 (amended by *Part 2*), other than his or her function under section 31(2)(c) of the Principal Act, and
 - (b) the Containment of Nuclear Weapons Act 2003,
- are transferred to the Minister on the vesting day.

Transfer of administration and business

17. (1) The administration and business in connection with the performance of the functions transferred by *section 16* are on the vesting day transferred to the Department of Communications, Climate Action and Environment.
- (2) References to the Department of Housing, Planning and Local Government contained in any enactment (other than this Act) in so far as they relate to the administration and business transferred by *subsection (1)* shall, from the vesting day, be construed as references to the Department of Communications, Climate Action and Environment.

Pending legal proceedings

18. Where, immediately before the vesting day, any legal proceedings are pending to which the Minister for Housing, Planning and Local Government is a party and the proceedings have reference to functions transferred by *section 16*, the name of the Minister shall, to the extent that they have such reference, be substituted for the Minister for Housing, Planning and Local Government in those proceedings or added in the proceedings, as may be appropriate, and the proceedings shall not abate by reason of such substitution.

Completion of certain matters commenced

19. Anything commenced but not completed before the vesting day by or under the authority of the Minister for Housing, Planning and Local Government may, in so far as it relates to a function transferred by *section 16*, be carried on and completed by the Minister.

Operation of certain instruments

20. Every instrument (including any certificate or licence) granted or made in the performance of a function transferred by *section 16* shall, if and in so far as it was operative immediately before the vesting day, continue to have effect from the vesting day as if it had been granted or made by the Minister.

Construction of references

21. (1) References to the Minister for Housing, Planning and Local Government contained in any enactment (other than this Act) in so far as they relate to any function transferred by *section 16* shall, from the vesting day, be construed as references to the Minister.
- (2) References to the Minister for Housing, Planning and Local Government contained in the memorandum or articles of association or constitution of any company in so far as they relate to any function transferred by *section 16* shall, from the vesting day, be construed as references to the Minister.

Transfer of property, etc. to Minister

22. (1) All property, rights and liabilities held, enjoyed or incurred before the vesting day by the Minister for Housing, Planning and Local Government in connection with any function transferred by *section 16* are, on the vesting day, transferred to the Minister and, accordingly, without any further conveyance, transfer or assignment—
- (a) the said property, real and personal, shall, from the vesting day, vest in the Minister,
 - (b) the said rights shall, from the vesting day, be enjoyed by the Minister, and
 - (c) the said liabilities shall, from the vesting day, be the liabilities of the Minister.
- (2) All moneys, stocks, shares and securities transferred to the Minister by this section that, immediately before the vesting day, stand in the name of the Minister for Housing, Planning and Local Government shall, upon the request of the Minister, be transferred into his or her name.

Vesting Day

23. The Minister shall by order appoint a day to be the vesting day for the purposes of this Part as soon as practicable after the coming into operation of this Act.

PART 4

TRANSFER OF FUNCTION UNDER SECTION 52(4) OF HARBOURS ACT 1996

Transfer of function under section 52(4) of Harbours Act 1996

24. The function conferred on the Minister for Transport, Tourism and Sport by subsection (4) of section 52 of the Harbours Act 1996 in his or her capacity as the Minister of the Government whose consent is required to the granting of an exemption under that subsection is transferred to the Minister on the vesting day.

Transfer of administration and business

25. (1) The administration and business in connection with the performance of the function transferred by *section 24* are on the vesting day transferred to the Department of Communications, Climate Action and Environment.
- (2) References to the Department of Transport, Tourism and Sport contained in any enactment (other than this Act) in so far as they relate to the administration and business transferred by *subsection (1)* shall, from the vesting day, be construed as references to the Department of Communications, Climate Action and Environment.

Pending legal proceedings

26. Where, immediately before the vesting day, any legal proceedings are pending to which the Minister for Transport, Tourism and Sport is a party and the proceedings have reference to the function transferred by *section 24*, the name of the Minister shall, to the extent that they have such reference, be substituted for the Minister for Transport, Tourism and Sport in those proceedings or added in the proceedings, as may be appropriate, and the proceedings shall not abate by reason of such substitution.

Completion of certain matters commenced

27. Anything commenced but not completed before the vesting day by or under the authority of the Minister for Transport, Tourism and Sport may, in so far as it relates to the function transferred by *section 24*, be carried on and completed by the Minister.

Operation of certain instruments

28. Every exemption granted under section 52(4) of the Harbours Act 1996 shall, if and in so far as it was operative immediately before the vesting day, continue to have effect from the vesting day as if it had been granted or made with the consent of the Minister.

Construction of references

29. (1) References to the Minister for Transport, Tourism and Sport contained in any enactment (other than this Act) in so far as they relate to the function transferred by *section 24* shall, from the vesting day, be construed as references to the Minister.

- (2) References to the Minister for Transport, Tourism and Sport contained in the memorandum or articles of association or constitution of any company in so far as they relate to the function transferred by *section 24* shall, from the vesting day, be construed as references to the Minister.

Transfer of property, etc. to Minister

- 30.** (1) All property, rights and liabilities held, enjoyed or incurred before the vesting day by the Minister for Transport, Tourism and Sport in connection with the function transferred by *section 24* are, on the vesting day, transferred to the Minister and, accordingly, without any further conveyance, transfer or assignment—
- (a) the said property, real and personal, shall, from the vesting day, vest in the Minister,
 - (b) the said rights shall, from the vesting day, be enjoyed by the Minister, and
 - (c) the said liabilities shall, from the vesting day, be the liabilities of the Minister.
- (2) All moneys, stocks, shares and securities transferred to the Minister by this section that, on the vesting day, stand in the name of the Minister for Transport, Tourism and Sport shall, upon the request of the Minister, be transferred into his or her name.

Vesting Day

- 31.** The Minister shall by order appoint a day to be the vesting day for the purposes of this Part as soon as practicable after the coming into operation of this Act.

PART 5

MISCELLANEOUS PROVISIONS

Amendment of Environmental Protection Agency Act 1992

- 32.** Section 52(4) of the Environmental Protection Agency Act 1992 is amended by the substitution of “be required to be a registered person or licensee within the meaning of section 2 of the Radiological Protection Act 1991” for “require a licence under section 30 of the Radiological Protection Act 1991”.

Amendment of Environment (Miscellaneous Provisions) Act 2011

- 33.** Section 4 of the Environment (Miscellaneous Provisions) Act 2011 is amended—
- (a) in subsection (1)—
 - (i) in paragraph (a), by the substitution of “specified in or attached to a licence, registration, permit” for “attached to a licence, permit”, and
 - (ii) in paragraph (b), by the substitution of “such licence, registration, permit” for “such licence, permit”,

- (b) in subsection (4)(i), by the substitution of “a licence or registration granted pursuant to regulations made under section 30 of the Radiological Protection Act 1991” for “a licence granted pursuant to section 30 of the Radiological Protection Act 1991”, and
- (c) in subsection (6)—
 - (i) by the substitution of “a reference to a licence, registration, revised licence,” for “a reference to a licence, revised licence”, and
 - (ii) by the substitution of “is a reference to such licence, registration, permit, lease or consent and any conditions or other requirements specified in or attached to it” for “is a reference to such licence, permit, lease or consent and any conditions or other requirements attached to it.”.