



Radiological Protection Act 1970

CHAPTER 46

ARRANGEMENT OF SECTIONS

Section

1. The National Radiological Protection Board and its functions.
2. General provisions about the Board.
3. Finance and accounts of the Board.
4. Advisory Committee.
5. Provisions about Northern Ireland.
6. Orders.
7. Citation, commencement and repeal.

SCHEDULES:

Schedule 1—The National Radiological Protection Board, its membership, proceedings and staff.

Schedule 2—Enactments repealed.

ELIZABETH II



1970 CHAPTER 46

An Act to provide for the establishment of a National Radiological Protection Board and an Advisory Committee, with functions concerning the protection of people from radiation hazards; and for connected purposes. [29th May 1970]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) There shall be a public authority, to be called the National Radiological Protection Board (in this Act referred to as “the Board”), whose function it shall be—

The National Radiological Protection Board and its functions.

- (a) by means of research and otherwise, to advance the acquisition of knowledge about the protection of mankind from radiation hazards; and
- (b) to provide information and advice to persons (including government departments) with responsibilities in the United Kingdom in relation to the protection from radiation hazards either of the community as a whole or of particular sections of the community.

(2) The Board shall have power—

- (a) to provide technical services to persons concerned with radiation hazards; and
- (b) to make charges for such services, and for providing information and advice.

(3) The foregoing subsections shall not be treated as transferring to the Board any functions exercisable by a government department under any enactment; but the Board shall, in

accordance with directions given to them by the Health Ministers—

- (a) assume responsibility for the Radiological Protection Service heretofore provided by the Medical Research Council ; and
- (b) carry on in place of the United Kingdom Atomic Energy Authority (hereinafter called “ the Atomic Energy Authority ”) such activities related to the effect of radiation hazards on health and safety and heretofore carried on by that Authority as may be specified in the directions.

(4) In this Act—

- (a) subject to subsection (8) below, “ the Health Ministers ” means the following Ministers acting jointly :—
 - the Secretary of State for Social Services ;
 - the Secretary of State for Scotland ;
 - the Secretary of State for Wales ; and
 - the Minister of Health and Social Services for Northern Ireland ;
- (b) references to the Secretary of State are to the Secretary of State for Social Services ; and
- (c) “ radiation hazards ” means the dangers of ionising radiations emitted by radioactive substances or other sources.

1948 c. 37.

(5) The functions of the Advisory Committee established under section 6 of the Radioactive Substances Act 1948 are hereby transferred to the Board, and the Committee shall cease to exist.

(6) The Secretary of State, after consultation with the Atomic Energy Authority and the Medical Research Council, may by order—

- (a) confer on the Board any new function for purposes connected with the protection of mankind from radiation hazards, or from the dangers of radiation which is electro-magnetic, but not ionising ; or
- (b) terminate any function conferred on the Board by or under this Act ; or
- (c) vary any such function, so however as not to confer on the Board any new function which could not be conferred on them in accordance with paragraph (a) of this subsection.

(7) In carrying out their functions the Board shall comply with any directions given to them by the Health Ministers ; but those Ministers shall not give any direction to the Board except after consultation with the Atomic Energy Authority and the Medical Research Council.

(8) Any functions of the Health Ministers under this Act may, by agreement between them, be exercised by any one of them acting on behalf of all; and, without prejudice to the foregoing provision, any one of them may, without the others, give directions to the Board under subsection (7) of this section in relation to such functions of the Board as are exercisable solely in a part of the United Kingdom with respect to which that Minister has responsibilities.

2.—(1) The Board shall consist of a chairman and not less than seven, nor more than nine, other members; and all the members of the Board shall be appointed by the Health Ministers after consultation with the Atomic Energy Authority and the Medical Research Council. General provisions about the Board.

(2) The Secretary of State may, after consultation with the Board, by order amend the foregoing subsection by substituting for the number “seven” or “nine” (or both) a different number, whether larger or smaller.

(3) The provisions of Schedule 1 to this Act shall have effect with respect to the Board and its members, and to the proceedings and staff of the Board.

(4) Any land occupied by the Board shall be deemed, for the purposes of any rate on property, to be property occupied by or on behalf of the Crown for public purposes.

(5) For the purposes of the Factories Act 1961, any premises belonging to or in occupation of the Board, and any building operations or works of engineering construction undertaken by or on behalf of the Board, shall be deemed to be premises belonging to or in occupation of the Crown or, as the case may be, to be operations or works undertaken by or on behalf of the Crown. 1961 c. 34.

(6) Sections 1 to 51 of the Offices, Shops and Railway Premises Act 1963 and regulations made thereunder shall, as regards premises occupied by the Board, be enforceable by inspectors appointed under section 145 of the Factories Act 1961 and such persons (other than inspectors so appointed) as the Secretary of State for Employment and Productivity may authorise in that behalf. 1963 c. 41.

(7) The Board shall be entitled to exemption from income tax and corporation tax—

(a) under Schedules A, B and C;

(b) under Schedule D in respect of any yearly interest or other annual payment received by the Board;

(c) under Schedule F in respect of distributions received by the Board ; and

(d) in respect of chargeable gains ;

1965 c. 25. and section 48(1) of the Finance Act 1965 (franked investment income) shall not apply to distributions received by the Board.

1911 c. 28. (8) For the purposes of section 2 of the Official Secrets Act 1911 (punishment for unauthorised disclosure of information by Crown servants and others),—

(a) membership of, or any office or employment under, the Board shall be deemed to be an office under Her Majesty ; and

(b) any contract with the Board shall be deemed to be a contract with Her Majesty.

(9) Except as provided by this section, the Board shall not be taken to be a servant or agent of the Crown or to enjoy any status or immunity of the Crown, or to be exempt from any tax, duty, rate, levy or charge whatsoever, whether general or local ; and its property shall not be taken to be property of, or property held on behalf of, the Crown.

Finance and
accounts of
the Board.

3.—(1) The Secretary of State shall pay to the Board such sums out of moneys provided by Parliament as may be necessary to defray expenses incurred by the Board with his approval, so far as those expenses exceed any receipts derived from the exercise of the Board's functions and are not met out of moneys provided by the Parliament of Northern Ireland, or by the Atomic Energy Authority or the Medical Research Council, or out of moneys from other sources.

1954 c. 32. (2) The powers of the Atomic Energy Authority under section 2(2) of the Atomic Energy Authority Act 1954 (general functions of the Authority) shall include power to contribute to the expenses of the Board, whether general or particular.

(3) Moneys received by the Board in any financial year, whether from government departments or other persons and whether in respect of articles or property sold or services rendered or otherwise, shall be applied by the Board in such manner as the Secretary of State may, with the approval of the Treasury, direct ; and any such direction may require the whole or any part of those moneys to be paid into the Consolidated Fund.

(4) The Board shall keep proper accounts and other records and shall prepare in respect of each financial year statements of

account in such form as the Secretary of State may, with the approval of the Treasury, direct; and those statements shall, on or before 30th November next following the expiration of the financial year in question, be submitted to the Secretary of State and transferred by him to the Comptroller and Auditor General, who shall examine and certify the statements and lay copies thereof, together with his report thereon, before each House of Parliament.

4.—(1) There shall be an Advisory Committee consisting of a chairman who shall be the chairman of the Board (ex officio) and not less than fourteen, nor more than twenty-four, other members appointed by the Health Ministers. Advisory
Committee.

(2) The Secretary of State may, after consultation with the Board, by order amend the foregoing subsection by substituting for the number “fourteen” or “twenty-four” (or both) a different number, whether larger or smaller.

(3) The members of the Advisory Committee other than the chairman shall be appointed from among persons appearing to the Health Ministers to be connected with, or to have knowledge or experience of, matters relating to health and safety in connection with radiation hazards, including officers of government departments and persons engaged in industry or in the organisation of workers in industry.

(4) It shall be the duty of the Committee to bring to the notice of the Board—

(a) the practical aspects of applying in the United Kingdom current knowledge with respect to radiation hazards and methods of dealing with them, or of complying in the United Kingdom with any international agreement or internationally recommended standards for dealing with such hazards; and

(b) any matters in connection with which the advice or services of the Board appear to the Committee to be required by any person, or which in the Committee's opinion ought to be the subject of research by the Board.

(5) An order of the Secretary of State under section 1(6) of this Act conferring any new function on the Board may include such provisions (if any) for altering the composition of the Committee, or the extent or nature of its duty to the Board, as the Secretary of State may consider necessary for enabling the Committee's functions to be kept in a proper relation to those of the Board.

(6) The Committee may appoint from among its members sub-committees to consider specific matters and advise the Committee as a whole, and may co-opt to membership of a sub-committee persons who are not themselves members of the Committee, so however that—

- (a) no such person shall be chairman of a sub-committee ; and
- (b) such persons shall not constitute the majority of all the members of a sub-committee including the chairman.

1911 c. 28.

(7) For the purposes of section 2 of the Official Secrets Act 1911 (punishment for unauthorised disclosure of information by Crown servants and others), membership of the Committee or any sub-committee appointed under subsection (6) of this section shall be deemed to be an office under Her Majesty.

(8) The Board may pay to any member of the Committee, and to any person who is co-opted to membership of a sub-committee, such travelling and other allowances (including compensation for loss of remunerative time) as the Board may from time to time determine, with the approval of the Secretary of State and the Minister for the Civil Service.

(9) The secretary of the Board shall be (ex officio) secretary of the Committee.

Provisions
about
Northern
Ireland.

5.—(1) In the application of this Act to Northern Ireland,—

1961 c. 34.

1965 c. 20.

(N.I.)

1963 c. 41.

1966 c. 26.

(N.I.)

(a) references to a government department shall be construed as including references to a department of the Government of Northern Ireland ;

(b) for the reference in section 2(5) to the Factories Act 1961 there shall be substituted a reference to the Factories Act (Northern Ireland) 1965 ; and

(c) in section 2(6),—

(i) for the reference to sections 1 to 51 of the Offices, Shops and Railway Premises Act 1963 there shall be substituted a reference to sections 1 to 50 of the Office and Shop Premises Act (Northern Ireland) 1966,

(ii) for the reference to section 145 of the Factories Act 1961 there shall be substituted a reference to section 145 of the Factories Act (Northern Ireland) 1965, and

(iii) for the reference to the Secretary of State for Employment and Productivity there shall be substituted a reference to the Ministry of Health and Social Services for Northern Ireland.

(2) Nothing in this Act shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of this Act until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.

(3) Nothing in this Act shall be taken to restrict the power of the Parliament of Northern Ireland to make laws, and any laws made by that Parliament in the exercise of that power shall have effect notwithstanding anything in this Act.

(4) In this Act, "enactment" includes an enactment of the Parliament of Northern Ireland.

6.—(1) Orders made by the Secretary of State under sections 1(6), 2(2) and 4(2) of this Act shall be made by statutory instrument and may be varied or revoked by a subsequent order so made. Orders.

(2) No order shall be made under those subsections unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

7.—(1) This Act may be cited as the Radiological Protection Act 1970. Citation,
commence-
ment and

(2) This Act shall come into force on a day appointed by the Secretary of State by order made by statutory instrument. repeal.

(3) The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES

SCHEDULE 1

Section 2.

THE NATIONAL RADIOLOGICAL PROTECTION BOARD, ITS MEMBERSHIP, PROCEEDINGS AND STAFF

Constitution and membership

1. The Board shall be a body corporate, with perpetual succession and a common seal.

2. Subject to the following provisions of this Schedule, a member of the Board shall hold and vacate office in accordance with the terms of his appointment.

3. A member of the Board may, by notice in writing addressed to the Secretary of State, resign his membership, and the chairman of the Board may by such a notice resign his office as such without resigning his membership.

4. A member of the Board who ceases to be a member, or ceases to be chairman thereof, shall be eligible for re-appointment.

5.—(1) The Board—

(a) shall pay to the members thereof such remuneration and allowances (if any) as the Secretary of State may determine ; and

(b) as regards any member in whose case the Secretary of State may determine, shall pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity, as may be so determined.

(2) The approval of the Minister for the Civil Service shall be requisite to a determination under this paragraph by the Secretary of State and to the imposition thereunder by him of a requirement.

1957 c. 20.

6. In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies the bodies all members of which are disqualified under that Act), the following entry shall be inserted at the appropriate place in alphabetical order:—

“The National Radiological Protection Board”.

Proceedings

7. The quorum of the Board and the arrangements relating to its meetings shall, subject to any directions given by the Health Ministers, be such as the Board may determine ; and the Board shall have power to regulate their own procedure.

8. The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

9. The application of the seal of the Board shall be authenticated by the signature of the secretary of the Board or of some other person authorised by the Board, either generally or specially, to act for that purpose.

10. Any document purporting to be a document duly executed under the seal of the Board, or to be signed on behalf of the Board, shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed or, as the case may be, signed.

11. It shall be within the capacity of the Board as a statutory corporation to do such things and enter into such transactions as are incidental or conducive to the purposes of its functions under this Act.

12. A transaction between a person and the Board shall not be invalid by reason of any non-compliance with a direction by the Health Ministers, or any one of them, under section 1 of this Act unless that person had actual notice of the direction.

Staff

13.—(1) The Board shall appoint a secretary and may appoint such other officers, and take into their employment such other persons, as they may determine.

(2) The Board shall have power—

(a) to pay to their officers and other persons employed by them such remuneration and allowances as the Board may determine with the approval of the Secretary of State ; and

(b) as regards any officers or persons so employed in whose cases it may be determined by the Board with the said approval, to pay to or in respect of them such pensions, allowances or gratuities as may be so determined, or to make such payments towards the provision of such pensions, allowances or gratuities as may be so determined, or to provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined.

(3) Without prejudice to sub-paragraph (2) of this paragraph, any scheme maintained by the Atomic Energy Authority under paragraph 7(2) of Schedule 1 to the Atomic Energy Authority Act 1954 (power of Authority to pay pensions or provide pension schemes for their officers and employees) may apply to such officers and other persons employed by the Board as may be determined by the Board, as well as to officers and other persons employed by the Authority. 1954 c. 32.

(4) Where any officer of, or person employed by, the Board, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Board, he may be treated for the purposes of the pension scheme as if his service as a member of the Board were service as an officer of, or person employed by, the Board ; and the rights of such a person under the pension scheme shall not be affected by any provision of this Act which requires that the pensions or payments towards the provision of pensions to be paid or made in the case of members of the Board shall be determined by the Secretary of State.

(5) Except with the consent of the Secretary of State, the Board shall not terminate on security grounds the employment of any officer of, or person employed by, the Board.

SCH. 1

In this sub-paragraph "security grounds" means grounds which are grounds for dismissal from the civil service of Her Majesty in accordance with any arrangements for the time being in force relating to dismissals from that service for reasons of national security.

Section 7.

SCHEDULE 2

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 37.	The Radioactive Substances Act 1948.	Section 3(11). Section 4(6). Section 5(5). Section 6.
1965 c. 4.	The Science and Technology Act 1965.	Section 5(3).

PRINTED IN ENGLAND BY C. H. BAYLIS
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

1s. 9d. [9p] net