(No. 36 of 12 May 2000)

Act on Radiation Protection and Use of Radiation

Chapter I Purpose, scope and definitions

Section 1 Purpose of the Act

The purpose of this Act is to prevent harmful effects of radiation on people's health and to promote protection of the environment.

Section 2 Scope of the Act

The Act applies to any manufacture, import, export, transport, transfer, possession, installation, use, handling and waste disposal of radiation sources.

The Act also applies to human activity that entails increased exposure to ionising radiation from sources occurring naturally in the environment.

The Act also applies to planning and preparedness against incidents and accidents.

Section 3 Definitions

In this Act -

a) "radiation" means ionising and non-ionising radiation.
b) "ionising radiation" means radiation from radioactive matter, x-ray radiation and particle radiation.
c) "non-ionising radiation" means optical radiation, radio frequency radiation, electrical and magnetic fields or other radiation with corresponding biological effects and ultrasound.
d) "radiation source" means radioactive substances, products or equipment containing such substances, as well as installations, apparatus or equipment which may emit radiation.
e) "radiation use for medical purposes" means the application of radiation to persons for the purpose of medical examination and treatment, in research or for the purpose of examinations in a legal context.
f) "waste disposal" means any disposal of radiation sources after completed use, including storage, release, deposition, return scheme or treatment as ordinary waste.

Section 4 Territorial extent of the Act

The King may make regulations providing that this Act shall apply in Svalbard, Jan Mayen and Norwegian dependencies, and may establish special rules taking local conditions into account.

The Act applies to devices and any installation deployed on the Norwegian part of the continental shelf and on Norwegian ships and aircraft in areas that are not subject to the sovereignty of any other State.

Chapter II General provisions

Section 5 Propriety requirement and basic principles for the use of radiation

All manufacture, import, export, transport, transfer, possession, installation, use, handling and waste disposal of radiation sources shall be performed properly to ensure that risks to those performing any such activity, to other persons or to the environment do not arise. Human activity that entails increased exposure to ionising radiation from source occurring naturally in the environment shall also be performed properly. In any assessment of propriety, importance shall inter alia be attached to whether the benefits of the activity in question outweigh the risks that the radiation may entail, and to whether the activity is organised in such a way as to avoid acute injury to health and to minimise the risk of late injury as far as is reasonably possible.

Apparatus or devices that may emit radiation shall be designed and shall function properly.

Section 6 Approval and notification

The ministry may make regulations setting out requirements as to approval or notification of any manufacture, import, export, transport, transfer, possession, installation, use, handling and waste disposal of radiation sources. Approval or notification requirements may also encompass human activity that entails increased exposure to ionising radiation from source occurring naturally in the environment. The regulations may prescribe requirements as to the content of applications and notifications.

Where an approval or notification requirement has been prescribed, an enterprise or activity subject to such a requirement may not be started until approval has been received or notification dealt with. An enterprise or activity may not be expanded or materially changed in relation to the existing approval or notification.

Section 7 Instruction and training

In enterprises encompassed by this Act, the employees and other associated persons shall have such instruction or training as is necessary to ensure that they have sufficient qualifications or knowledge in the field of radiation protection and safe use of radiation.

Visitors and others with access to the enterprise shall, where necessary in the interest of radiation protection, be provided with information about precautions that must be taken.

The ministry may make supplementary regulations concerning training, qualification requirements and instruction for persons who use or come into contact with radiation.

Section 8 Protective measures

Enterprises encompassed by this Act shall take necessary steps to protect the employees, other associated persons and the environment against radiation. Person who because of low age, pregnancy or other reasons are particularly sensitive to radiation shall either be assigned tasks that do not involve exposure to radiation, or be protected by other appropriate measures.

The ministry may make supplementary regulations concerning factors as mentioned in the first paragraph, including a minimum age for working with radiation, and medical examination of persons who are exposed to radiation.

Section 9 Special provisions on radioactive waste and radiation-emitting apparatus that is discarded

In order to ensure safe disposal of radioactive waste in terms of protection against radiation, the ministry may make supplementary regulations on storage, deposition, release into the environment, return schemes and treatment as ordinary waste. The regulations may prescribe a duty for suppliers of radioactive substances to establish return schemes for radioactive waste, and likewise a duty for enterprises to establish and utilise such return schemes. The provisions of this paragraph also apply to waste, equipment or packaging which contains or is contaminated by radioactive substances.

Where apparatus or equipment which may emit radiation is discarded or finally taken out of service, the owner or the responsible party shall prevent subsequent harmful use of such apparatus or equipment by ensuring that it can no longer emit radiation.

Section 10 Ionising radiation occurring naturally in the environment

The ministry may make regulations that prescribe limitations, including dose limits, for work or stays in places where exposure to radiation from ionising radiation occurring naturally in the environment is increased as a result of human activity.

Section 11 Internal control

The King may make further regulations concerning internal control and internal control systems to ensure compliance with requirements laid down in or pursuant to this Act.

Section 12 Regulations on proper radiation protection and use of radiation etc.

In order to promote the purpose of this Act and ensure proper radiation protection and use of radiation, the ministry may make regulations to supplement the provisions of this Act. Such regulations may inter alia set requirements in respect of:

a) the organisation of radiation protection, including the designation of a person responsible for radiation protection, and requirements as regards the registration of information necessary for internal control or supervisory purposes.
b) shielding in the form of appropriately designed and fitted out premises and workplaces, work procedures and use of personally fitted protective equipment. Requirements may also be made for the design and function of radiation-emitting equipment.
c) marking of radiation sources and information about the application, handling and storage of radiation sources. Requirements may also be set as to warning signs in premises or areas where radiation sources or radioactive waste are present which may entail a health hazard. Requirements may also be set to inform affected persons and the general public about radiation use and radiation protection.
d) measurement of radiation levels, including personal dosimetry.
e) dose limits for relevant types of radiation.
f) transport of radiation sources, including radioactive waste and equipment containing such sources.
g) monitoring of protective measures in connection with the carrying out of repairs, maintenance or alteration of a radiation source or installation.

Chapter III Special provisions on radiation use for medical purposes

Section 13 Justification and optimisation

The use of radiation use for medical purposes shall be in accordance with medically recognised and proper examination and treatment methods, with due regard being had to protection against radiation.

Where radiation is used for medical purposes the professionally responsible person shall assess whether using radiation is justified. Such assessment shall inter alia take into account whether the benefits of radiation use outweigh its potentially harmful effect. Account shall be taken of the benefit to the individual, the benefit to society and whether alternative techniques can be applied. Radiation shall be avoided in cases where the same result can be achieved by other means without material inconvenience, for example by using other methods or by obtaining results from previous examinations.

Where radiation is employed, the person professionally responsible for the examination or treatment shall ensure that the radiation doses given are as low as may reasonably be achieved, viewed in light of the purpose of the radiation, available equipment and resources, and similar factors.

The enterprise shall at regular intervals check that the emitted radiation dose matches the dose calculated. This does not apply to examination or treatment that consists in radioactive substances being administered to the patient.

The ministry may make supplementary regulations setting requirements for the use of radiation for medical purposes.

Section 14 Duty to provide information about radiation protection precautions

Where, in connection with the use of radiation for medical purposes, radiation protection measures are taken that require a particular conduct on the part of the person being examined or treated, the professionally responsible person or the authorised person shall inform the person in question how to act in order to fully benefit from such measures. The same applies to attendants who assist the person at the treatment or examination. Information as mentioned may be omitted where there is no reason to expect the person to be able to make use of it.

Where radioactive substances are administered to a patient, the professionally responsible person shall provide information about precautions that should be taken to protect other persons against radiation.

The ministry may make supplementary regulations concerning the duty to provide information about radiation protection precautions.

Chapter IV Planning of incident and accident management. Preparedness

Section 15 Planning requirement

The ministry may by regulations or individual decision impose on enterprises encompassed by this Act a duty to plan their handling of incidents and accidents, and a duty to hold practice drills. Any such decision may include a duty to notify rescue service agencies and the supervisory authority about special risks of which the rescue service and the supervisory authority should be aware for the purpose of handling incidents or accidents.

Enterprises may be required to notify physical and legal persons in their immediate vicinity of special risks that may arise. Physical and legal persons who do not themselves pursue an activity encompassed by this Act, but who may be affected by incidents or accidents that have occurred, may have an independent duty imposed on them to prepare plans with a view to limiting harmful effects.

Section 16 Preparedness against nuclear accidents

The King organises preparedness against nuclear accidents.

In the acute phase of a nuclear accident the King may, notwithstanding the allocation of authority under other Acts, require state and local government agencies to implement evacuation, restrict access to particular areas, and safeguard food supplies, including drinking water and livestock. The King may also require private and public enterprises to carry out analyses and obtain information for assessing the situation.

The King may also, notwithstanding the allocation of authority under other Acts, delegate his authority under the second paragraph to a designated state agency for nuclear accident preparedness.

Agencies assigned functions in the field of nuclear accident preparedness are required to adhere to a coordinated body of plans.

The King may require persons with central preparedness functions to be available in the event that an emergency situation arises.

Section 17 Special exceptions in rescue and civil emergency situations and on national defence grounds

The King may make regulations prescribing exceptions from dose limits and other requirements established pursuant to this Act in situations where implementing a rescue or civil emergency operation makes it necessary. Personnel shall not be assigned tasks that entail a risk of acute radiation injury.

The King may also make exceptions from provisions established in or pursuant to this Act in cases where this is necessary in the interest of national defence preparedness.

Chapter V Administrative provisions, penalties and commencement

Section 18 Supervision and decisions. The supervisory authority's right of access, information and measurement of radiation values

The Norwegian Radiation Protection Authority supervises compliance with provisions established in or pursuant to this Act, and may make such individual decisions as are necessary to this end.

The King may in respect of delimited areas make regulations stipulating that other state supervisory agencies or municipalities shall carry out supervision and make necessary individual decisions in pursuance of this Act. Public agencies that are assigned authority under the provision of the first sentence may apply the Act's enforcement provisions on the conditions set out in the particular provision.

The supervisory authority shall be given unimpeded access to perform supervision, and shall be provided with such information as is necessary to enable the supervisory authority to perform its functions under the provisions of this Act.

The supervisory authority shall be given access to undertake measurements and investigations. The enterprise shall hand over samples for supervisory purposes free-of-charge. If it is proven that provisions established in or pursuant to this Act have been infringed, the enterprise may be ordered to pay the cost of supervision resulting from such infringement.

The ministry may make regulations stipulating charges to be imposed to pay the cost of particular supervisory tasks.

Section 19 Rectification and halting of activity

The Norwegian Radiation Protection Authority may demand rectification of activity that conflicts with provisions established in or pursuant to this Act.

In the event of a material risk to health, the Norwegian Radiation Protection Authority may halt the activity in question, confiscate substances or equipment in whole or in part, or ensure by other means render their continued impossible. The Norwegian Radiation Protection Authority may demand the closure of an enterprise that lacks the required approval or has failed to submit the required notification.

The police are required upon request to assist the process of halting or confiscation.

Section 20 Prohibition against import and sale

The Norwegian Radiation Protection Authority may refuse the import or sale of any product or substance and any item that may involve a health or environmental risk due to radiation, provided that this is not in conflict with international agreements to which Norway has acceded.

Section 21 Coercive fine

The supervisory authority may impose a coercive fine in the form of a non-recurring fine or a daily fine on an enterprise that disregards a time-limit for complying with an order. The coercive fine shall be fixed either at the time the order is made or when a new time-limit is set for complying with the order.

The King may waive an imposed coercive fine when it is deemed reasonable to do so.

The ministry may make supplementary regulations concerning the imposition and calculation of coercive fines.

Section 22 Appeal

The Ministry of Health and Social Affairs is the appeals instance for individual decisions made by the Norwegian Radiation Protection Authority under provisions established in or pursuant to this Act.

Appeals against individual decisions made by a State supervisory agency other than the Norwegian Radiation Protection Authority are decided by the administrative agency that is the immediate superior of the supervisory agency in question.

The county governor decides appeals against individual decisions made by the municipality under provisions established in or pursuant to this Act. Before an appeal is decided under this paragraph, the county governor shall obtain a statement from the chief county medical officer.

Section 23 Penalties

Whoever wilfully or through negligence contravenes or assists the contravention of provisions or orders made under the provisions of or pursuant to this Act, shall be punished by fines or imprisonment not exceeding three months.

Where the contravention has or could have entailed grave danger to health or the environment, imprisonment not exceeding two years may be imposed.

Where the contravention has merely resulted in insignificant harm or inconvenience, public prosecution will take place only at the request of the supervisory authority.

Section 24 Commencement etc.

This Act comes into force on such date as the King decides.

Act No. 1 of 18 June 1938 relating to the Use of X-rays and Radium etc., will be repealed on the same date.

Regulations and other provisions and decisions made under the provisions of Act No. 1 of 18 June 1938 relating to the Use of X-rays and Radium etc., will also apply after the present Act has come into force insofar as they do not conflict with provisions laid down in or pursuant to this Act.

Section 25 Amendments to other Acts

Act No. 28 of 12 May 1972 concerning Nuclear Energy Activities section 6 new second paragraph shall read:

The King may by regulations or individual decision lay down further rules concerning internal control and internal control systems to ensure compliance with requirements laid down in or pursuant to this Act.