

**252.9a Radioactive waste**

*R v Sellafield and Network Rail* 2014 EWCA Crim 49 LCJ S pleaded (full credit) to six breaches of regulatory requirements and carrying radioactive waste unlawfully. Waste must be passed through a measuring device twice. One of the monitors at the second stage was not calibrated correctly. As a result five out of 5,000 bags left the company's site outside the permitted level of radioactivity. The error was detected by chance. The authorities were alerted immediately. After that S did all they could to ensure no one was harmed. Exposure to four bags of waste was no greater exposure to radioactivity than a passenger would experience on a flight to Paris. An investigation revealed that S's staff had numerous opportunities to avoid the error. Not only were the specifications wrong but there were other breaches such as the recalibration was not carried out by a staff member, and the tests and checks were not properly carried out. S had a previous conviction for emissions of radioactive material, leading to fines of £500,000 and £75,000. S had a turnover of £1.6 billion. The Judge found basic management failures and the problem was undetected for 4 months. Further the failure was not confined to specific individuals but the customs within the company were too lax and to a degree complacent. The Judge accepted no harm had been done. Held. The processing and storage of nuclear waste carries with it potentially grave risks. To mitigate those risks the most stringent standards have been adopted at national and international levels. The public rightly expects strict compliance with [the licence provisions]. There was the clearest negligence. The fine was little more than a week's profit. The £700,000 fine could not be criticised.