
STATUTORY INSTRUMENTS

1999 No. 3232

The Ionising Radiations Regulations 1999

PART II

GENERAL PRINCIPLES AND PROCEDURES

Authorisation of specified practices

5.—(1) Subject to paragraph (2), a radiation employer shall not, except in accordance with a prior authorisation granted by the Executive in writing for the purposes of this paragraph, carry out the following practices—

- (a) the use of electrical equipment intended to produce x-rays for the purpose of—
 - (i) industrial radiography;
 - (ii) the processing of products;
 - (iii) research; or
 - (iv) the exposure of persons for medical treatment; or
- (b) the use of accelerators, except electron microscopes.

(2) Paragraph (1) shall not apply in respect of any practice of a type which is for the time being authorised by the Executive where such practice is or is to be carried out in accordance with such conditions as may from time to time be approved by the Executive in respect of that type of practice.

(3) An authorisation granted under paragraph (1) may be granted subject to conditions and with or without limit of time and may be revoked in writing at any time.

(4) Where an authorisation has been granted pursuant to paragraph (1) and the radiation employer to whom the authorisation was granted subsequently makes a material change to the circumstances relating to that authorisation, that change shall forthwith be notified to the Executive by the radiation employer.

(5) A radiation employer to whom this regulation applies and who is aggrieved by—

- (a) a decision of the Executive—
 - (i) refusing to grant an authorisation under paragraph (1);
 - (ii) imposing a limit of time upon an authorisation granted under paragraph (1); or
 - (iii) revoking an authorisation under paragraph (3); or
- (b) the terms of any conditions attached to the authorisation by the Executive under paragraph (3),

may appeal to the Secretary of State.

(6) Sub-sections (2) to (6) of section 44 of the 1974 Act shall apply for the purposes of paragraph (5) as they apply to an appeal under section 44(1) of that Act.

(7) The Health and Safety Licensing Appeals (Hearings Procedure) Rules 1974⁽¹⁾, as respects England and Wales, and the Health and Safety Licensing Appeals (Hearings Procedure) (Scotland) Rules 1974⁽²⁾, as respects Scotland, shall apply to an appeal under paragraph (5) as they apply to an appeal under sub-section (1) of the said section 44, but with the modification that references to a licensing authority are to be read as references to the Executive.

Notification of specified work

6.—(1) This regulation shall apply to work with ionising radiation except—

- (a) work specified in Schedule 1; and
- (b) work carried on at a site licensed under section 1 of the Nuclear Installations Act 1965.

(2) Subject to paragraphs (7) and (8) and to regulation 39(1) (which relates to transitional provisions), a radiation employer shall not for the first time carry out work with ionising radiation to which this regulation applies unless at least 28 days before commencing that work or before such shorter time as the Executive may agree he has notified the Executive of his intention to carry out that work and has provided the Executive with the particulars specified in Schedule 2.

(3) Where a radiation employer has notified work in accordance with paragraph (2), the Executive may, by notice in writing served on him, require that radiation employer to provide such additional particulars of that work as it may reasonably require, being any or all of the particulars specified in Schedule 3, and in such a case the radiation employer shall provide those particulars by such time as is specified in the notice or by such other time as the Executive may subsequently agree.

(4) A notice under paragraph (3) may require the radiation employer to notify the Executive of any of the particulars specified in Schedule 3 before each occasion on which he commences work with ionising radiation.

(5) Where a radiation employer has notified work in accordance with paragraph (2) and subsequently makes a material change in that work which would affect the particulars so notified, he shall forthwith notify the Executive of that change.

(6) Nothing in paragraph (5) shall be taken as requiring the cessation of the work to be notified in accordance with that paragraph except where the site or any part of the site in which the work was carried on has been or is to be vacated.

(7) Where the only work being undertaken is work referred to in regulation 3(1)(b) or (c), it shall be a sufficient compliance with paragraph (2) if the radiation employer having control of the premises where the work is carried on makes the notification required by that paragraph forthwith after the work has commenced.

(8) In relation to work involving the care of a person to whom a radioactive medicinal product (within the meaning of the Medicines (Administration of Radioactive Substances) Regulations 1978⁽³⁾) has been administered, it shall be sufficient compliance with paragraph (2) if the notification required by that paragraph is given as soon as is practicable before the carrying out of that work.

(9) Where in respect of work with ionising radiation carried out prior to the coming into force of these Regulations notification has been given to the Executive pursuant to any statutory requirement, the provisions of this regulation shall apply to such notification as if that notification had been given in accordance with paragraph (2).

(1) [S.I. 1974/2040](#).

(2) [S.I. 1974/2068](#).

(3) [S.I. 1978/1006](#).

Prior risk assessment etc.

7.—(1) Before a radiation employer commences a new activity involving work with ionising radiation in respect of which no risk assessment has been made by him, he shall make a suitable and sufficient assessment of the risk to any employee and other person for the purpose of identifying the measures he needs to take to restrict the exposure of that employee or other person to ionising radiation.

(2) Without prejudice to paragraph (1), a radiation employer shall not carry out work with ionising radiation unless he has made an assessment sufficient to demonstrate that—

- (a) all hazards with the potential to cause a radiation accident have been identified; and
- (b) the nature and magnitude of the risks to employees and other persons arising from those hazards have been evaluated.

(3) Where the assessment made for the purposes of this regulation shows that a radiation risk to employees or other persons exists from an identifiable radiation accident, the radiation employer shall take all reasonably practicable steps to—

- (a) prevent any such accident;
- (b) limit the consequences of any such accident which does occur; and
- (c) provide employees with the information, instruction and training, and with the equipment necessary, to restrict their exposure to ionising radiation.

(4) The requirements of this regulation are without prejudice to the requirements of regulation 3 (Risk assessment) of the Management of Health and Safety at Work Regulations 1992(4).

Restriction of exposure

8.—(1) Every radiation employer shall, in relation to any work with ionising radiation that he undertakes, take all necessary steps to restrict so far as is reasonably practicable the extent to which his employees and other persons are exposed to ionising radiation.

(2) Without prejudice to the generality of paragraph (1), a radiation employer shall—

- (a) so far as is reasonably practicable achieve the restriction of exposure to ionising radiation required under that paragraph by means of engineering controls and design features and in addition by the provision and use of safety features and warning devices; and
- (b) in addition to sub-paragraph (a) above, provide such systems of work as will, so far as is reasonably practicable, restrict the exposure to ionising radiation of employees and other persons; and
- (c) in addition to sub-paragraphs (a) and (b) above, where it is reasonably practicable to further restrict exposure to ionising radiation by means of personal protective equipment, provide employees or other persons with adequate and suitable personal protective equipment (including respiratory protective equipment) unless the use of personal protective equipment of a particular kind is not appropriate having regard to the nature of the work or the circumstances of the particular case.

(3) Where it is appropriate to do so at the planning stage of radiation protection, dose constraints shall be used in restricting exposure to ionising radiation pursuant to paragraph (1).

(4) An employer who provides any system of work or personal protective equipment pursuant to this regulation shall take all reasonable steps to ensure that it is properly used or applied as the case may be.

(5) Without prejudice to paragraph (1), a radiation employer shall ensure, that—

- (a) in relation to an employee who is pregnant, the conditions of exposure are such that, after her employer has been notified of the pregnancy, the equivalent dose to the foetus is unlikely to exceed 1mSv during the remainder of the pregnancy; and
 - (b) in relation to an employee who is breastfeeding, the conditions of exposure are restricted so as to prevent significant bodily contamination of that employee.
- (6) Nothing in paragraph (5) shall require the radiation employer to take any action in relation to an employee until she has notified her employer in writing that she is pregnant or breastfeeding and the radiation employer has been made aware, or should reasonably have been expected to be aware, of that fact.
- (7) Every employer shall, for the purpose of determining whether the requirements of paragraph (1) are being met, ensure that an investigation is carried out forthwith when the effective dose of ionising radiation received by any of his employees for the first time in any calendar year exceeds 15mSv or such other lower effective dose as the employer may specify, which dose shall be specified in writing in local rules made pursuant to regulation 17(1) or, where local rules are not required, by other suitable means.

Personal protective equipment

- 9.—(1) Any personal protective equipment provided by an employer pursuant to regulation 8 shall comply with any provision in the Personal Protective Equipment (EC Directive) Regulations 1992(5) which is applicable to that item of personal protective equipment.
- (2) Where in the case of respiratory protective equipment no provision of the Regulations referred to in paragraph (1) applies, that respiratory protective equipment shall satisfy the requirements of regulation 8 only if it is of a type, or conforms to a standard, approved in either case by the Executive.
- (3) Every radiation employer shall ensure that appropriate accommodation is provided for personal protective equipment when it is not being worn.

Maintenance and examination of engineering controls etc. and personal protective equipment

- 10.—(1) A radiation employer who provides any engineering control, design feature, safety feature or warning device to meet the requirements of regulation 8(2)(a) shall ensure—
- (a) that any such control, feature or device is properly maintained; and
 - (b) where appropriate, that thorough examinations and tests of such controls, features or devices are carried out at suitable intervals.
- (2) Every radiation employer shall ensure that all personal protective equipment provided pursuant to regulation 8 is, where appropriate, thoroughly examined at suitable intervals and is properly maintained and that, in the case of respiratory protective equipment, a suitable record of that examination is made and kept for at least two years from the date on which the examination was made and that the record includes a statement of the condition of the equipment at the time of the examination.

Dose limitation

- 11.—(1) Subject to paragraph (2) and to paragraph 5 of Schedule 4, every employer shall ensure that his employees and other persons within a class specified in Schedule 4 are not exposed to ionising radiation to an extent that any dose limit specified in Part I of that Schedule for such class of person is exceeded in any calendar year.

(5) [S.I. 1992/3139](#); as amended by [S.I. 1993/3074](#), [S.I. 1994/2326](#) and [S.I. 1996/3039](#).

(2) Where an employer is able to demonstrate in respect of any employee that the dose limit specified in paragraph 1 of Part I of Schedule 4 is impracticable having regard to the nature of the work undertaken by that employee, the employer may in respect of that employee apply the dose limits set out in paragraphs 9 to 11 of that Schedule and in such case the provisions of Part II of the Schedule shall have effect.

Contingency plans

12.—(1) Where an assessment made in accordance with regulation 7 shows that a radiation accident is reasonably foreseeable (having regard to the steps taken by the radiation employer under paragraph (3) of that regulation), the radiation employer shall prepare a contingency plan designed to secure, so far as is reasonably practicable, the restriction of exposure to ionising radiation and the health and safety of persons who may be affected by such accident.

(2) The radiation employer shall ensure that—

- (a) where local rules are required for the purposes of regulation 17, a copy of the contingency plan made in pursuance of paragraph (1) is identified in those rules and incorporated into them by way of summary or reference;
- (b) any employee under his control who may be involved with or may be affected by arrangements in the plan has been given suitable and sufficient instructions and where appropriate issued with suitable dosimeters or other devices obtained in either case from the approved dosimetry service with which the radiation employer has entered into an arrangement under regulation 21; and
- (c) where appropriate, rehearsals of the arrangements in the plan are carried out at suitable intervals.