
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 229

The Ionising Radiations Regulations (Northern Ireland) 2017

PART 5

CLASSIFICATION AND MONITORING OF PERSONS

Designation of classified persons

21.—(1) Subject to paragraph (2), the employer shall designate as classified persons those of its employees who are likely to receive an effective dose greater than 6 mSv per year or an equivalent dose greater than 15 mSv per year for the lens of the eye or greater than 150 mSv per year for the skin or the extremities and shall immediately inform those employees that they have been so designated.

(2) The employer shall not designate an employee as a classified person unless—

- (a) that employee is aged 18 years or over; and
- (b) a relevant doctor has certified in the health record that that employee is fit for the work with ionising radiation which that employee is to carry out.

(3) The employer may cease to treat an employee as a classified person only at the end of a calendar year except where—

- (a) a relevant doctor so requires; or
- (b) the employee is no longer employed by the same employer in a capacity which is likely to result in significant exposure to ionising radiation during the remainder of the relevant calendar year.

Dose assessment and recording

22.—(1) Every employer shall ensure that—

- (a) in respect of each of its employees who is designated as a classified person, an assessment is made of all doses of ionising radiation received by such employee which are likely to be significant; and
- (b) such assessments are recorded.

(2) For the purposes of paragraph (1), the employer shall make suitable arrangements with one or more approved dosimetry service for—

- (a) the making of systematic assessments of such doses by the use of suitable individual measurement for appropriate periods or, where individual measurement is inappropriate, by means of other suitable measurements; and
- (b) the making and maintenance of dose records relating to each classified person.

(3) For the purposes of paragraph (2)(b), the arrangements that the employer makes with the approved dosimetry service shall include requirements for that service—

- (a) to keep the records made and maintained pursuant to the arrangements, or a copy of those records, until the person to whom the record relates has or would have attained the age of 75 years but in any event for at least 30 years from when the record was made;
 - (b) to provide the employer at appropriate intervals with suitable summaries of the maintained dose records;
 - (c) when and as required by the employer, to provide the employer with copies of the dose record relating to any of the employer's employees;
 - (d) when required by the employer, to make a record of the information concerning the dose assessment relating to a classified person who ceases to be an employee of the employer, and to send that record to the Executive and a copy of the record to the employer as soon as possible, and such a record is referred to in this regulation as a "termination record";
 - (e) within 3 months, or such longer period as the Executive may agree, of the end of each calendar year to send to the Executive summaries of all current dose records relating to that year;
 - (f) when required by the Executive, to provide it with copies of any dose records;
 - (g) where a dose is estimated pursuant to regulation 23, to make an entry in a dose record and retain the summary of the information used to estimate that dose;
 - (h) where the employer employs a classified outside worker, to provide, where appropriate, a current radiation passbook in respect of that classified outside worker; and
 - (i) where the employer employs a classified outside worker who works in Great Britain or another member State, to maintain a continuing record of the assessment of the dose received by that classified outside worker when working in such place.
- (4) The employer shall provide the approved dosimetry service with such information concerning its employees as is necessary for the approved dosimetry service to comply with the arrangements made for the purposes of paragraph (2).
- (5) An employer shall—
- (a) ensure that each classified outside worker employed by it is provided with a current individual radiation passbook which shall not be transferable to any other worker and in which shall be entered the particulars set out in Schedule 5; and
 - (b) make suitable arrangements to ensure that the particulars entered in the radiation passbook are kept up-to-date during the period of employment of the classified outside worker by that employer.
- (6) The employer shall—
- (a) at the request of a classified person employed by the employer (or of a person formerly employed by the employer as a classified person) and on reasonable notice being given, obtain (where necessary) from the approved dosimetry service and make available to that person—
 - (i) a copy of the dose summary provided for the purpose of paragraph (3)(b) relating to that person and made within a period of 2 years preceding the request; and
 - (ii) a copy of the dose record of that person; and
 - (b) when a classified person ceases to be employed by the employer, take all reasonable steps to provide that person with a copy of their termination record.
- (7) The employer shall keep a copy of the summary of the dose record received from the approved dosimetry service for at least 2 years from the end of the calendar year to which the summary relates.

Estimated and notional doses and special entries

23.—(1) Where a dosimeter or other device is used to make any individual measurement under regulation 22(2) and that dosimeter or device is lost, damaged or destroyed or it is not practicable to assess the dose received by a classified person over any period, the employer shall—

- (a) make an adequate investigation of the circumstances of the case with a view to estimating the dose received by that person during that period and either—
 - (i) in a case where there is adequate information to estimate the dose received by that person, send to the approved dosimetry service an adequate summary of the information used to estimate that dose and arrange for the approved dosimetry service to enter the estimated dose in the dose record of that person; or
 - (ii) in a case where there is inadequate information to estimate the dose received by the classified person, arrange for the approved dosimetry service to enter a notional dose in the dose record of that person which shall be the proportion of the total annual dose limit for the relevant period; and
- (b) in either case referred to in sub-paragraph (a), take reasonable steps to inform the classified person of the entry in their dose record and arrange for the approved dosimetry service to identify that entry as an estimated dose or a notional dose as the case may be.

(2) The employer shall, at the request of the classified person (or a person formerly employed by that employer as a classified person) to whom the investigation made under paragraph (1) relates and on reasonable notice being given, make available to that person a copy of the summary sent to the approved dosimetry service under paragraph (1)(a).

(3) Subject to paragraphs (5) and (8), where an employer has reasonable cause to believe that the dose received by a classified person is much greater or much less than that shown in the relevant entry of the dose record, the employer shall make an adequate investigation of the circumstances of the exposure of that person to ionising radiation and, if that investigation confirms the employer's belief, the employer shall, where there is adequate information to estimate the dose received by the classified person—

- (a) send to the approved dosimetry service an adequate summary of the information used to estimate that dose;
- (b) arrange for the approved dosimetry service to enter that estimated dose in the dose record of that person and for the approved dosimetry service to identify the estimated dose in the dose record as a special entry; and
- (c) notify the classified person accordingly.

(4) The employer shall make a report of any investigation carried out under paragraph (3) and shall preserve a copy of that report for a period of 2 years from the date it was made.

(5) Paragraph (3) shall not apply—

- (a) in respect of a classified person subject only to an annual dose limit, more than 12 months after the original entry was made in the record; and
- (b) in any other case, more than 5 years after the original entry was made in the record.

(6) Where a classified person is aggrieved by a decision to replace a recorded dose by an estimated dose pursuant to paragraph (3) that person may, by an application in writing to the Executive made within 3 months of the date on which that person was notified of the decision, apply for that decision to be reviewed.

(7) Where the Executive concludes (whether as a result of a review carried out pursuant to paragraph (6) or otherwise) that—

- (a) there is reasonable cause to believe the investigation carried out pursuant to paragraph (3) was inadequate; or

- (b) a reasonable estimated dose has not been established,

the employer shall, if so directed by the Executive, require the approved dosimetry service to re-instate the original entry in the dose record.

(8) The employer shall not, without the consent of the Executive, require the approved dosimetry service to enter an estimated dose in the dose record in any case where—

- (a) the cumulative recorded effective dose is 20 mSv or more in one calendar year; or
- (b) the cumulative recorded equivalent dose for the calendar year exceeds a relevant dose limit.

Dosimetry for accidents etc

24.—(1) Where any accident or other occurrence takes place which is likely to result in a person receiving an effective dose of ionising radiation greater than 6 mSv or an equivalent dose greater than 15 mSv for the lens of an eye or greater than 150 mSv for the skin or the extremities, the employer shall—

- (a) in the case of a classified person, arrange for a dose assessment to be made by the approved dosimetry service as soon as possible;
 - (b) in the case of an employee to whom a dosimeter or other device has been issued in accordance with regulation 13(2), arrange for that dosimeter or device to be examined and for the dose received to be assessed by the approved dosimetry service as soon as possible;
 - (c) in any other case, arrange for the dose to be assessed by an appropriate means as soon as possible, having regard to the advice of the radiation protection adviser.
- (2) In each such case, the employer shall—
- (a) take all reasonably practicable steps to inform each person for whom a dose assessment has been made of the result of that assessment;
 - (b) notify the Executive of the result of the dose assessment as soon as possible; and
 - (c) keep a record or copy of the assessment until the person to whom the record relates has or would have attained the age of 75 years but in any event for at least 30 years from the date of the relevant accident.

Medical surveillance

25.—(1) This regulation shall apply in relation to—

- (a) classified persons and persons whom an employer intends to designate as classified persons;
 - (b) employees who have received an overexposure and are not classified persons;
 - (c) employees in respect of whom a relevant doctor has made a certification under paragraph (5).
- (2) An employer shall ensure that—
- (a) each of its employees to whom this regulation relates is under adequate medical surveillance by a relevant doctor for the purpose of determining the fitness of each employee for the work with ionising radiation which that employee is to carry out;
 - (b) a health record containing the particulars referred to in Schedule 6 is made and maintained in respect of such employees; and
 - (c) the record or a copy of the record is kept until the person to whom the record relates has or would have attained the age of 75 years but in any event for at least 30 years from the date of the last entry made in it.

(3) Subject to paragraph (4), an employer shall ensure that there is a valid entry made by a relevant doctor in the health record of each of its employees to whom this regulation relates (other than employees who have received an overexposure and who are not classified persons) and an entry in the health record is valid—

- (a) for 12 months from the date it was made or treated as made by virtue of paragraph (4);
- (b) for such shorter period as is specified in the entry by the relevant doctor; or
- (c) until cancelled by a relevant doctor by a further entry in the record.

(4) For the purposes of paragraph (3)(a), a further entry in the health record of the same employee, where made not less than 11 months nor more than 13 months after the start of the current period of validity, is to be treated as if made at the end of that period.

(5) Where a relevant doctor has certified in the health record of an employee that in their professional opinion that employee should not be engaged in work with ionising radiation or that the employee should only be so engaged under conditions specified by the relevant doctor in the health record, the employer shall not permit that employee to be engaged in the work with ionising radiation, or only permit the employee to be engaged in the work in accordance with the conditions so specified, as the case may be.

(6) Where a relevant doctor requires to inspect any workplace for the purpose of carrying out their functions under these Regulations the employer shall permit them to do so.

(7) An employer shall make available to the relevant doctor the summary of the dose record kept by the employer pursuant to regulation 22(7) and such other records kept for the purposes of these Regulations as the relevant doctor may reasonably require.

(8) Where an employee is aggrieved by a decision recorded in the health record by a relevant doctor the employee may, by an application in writing to the Executive made within 28 days of the date on which the employee was notified of the decision, apply for that decision to be reviewed in accordance with a procedure approved for the purposes of this paragraph by the Executive, and the result of that review shall be notified to the employee and entered in the employee's health record in accordance with the approved procedure.

Investigation and notification of overexposure

26.—(1) Where an employer suspects or has been informed that any person is likely to have received an overexposure as a result of work with ionising radiation carried out by that employer, that employer shall make an immediate investigation to determine whether there are circumstances which show beyond reasonable doubt that no overexposure could have occurred and, unless this is shown, the employer shall—

- (a) as soon as practicable notify the suspected overexposure to—
 - (i) the Executive;
 - (ii) in the case of an employee of some other employer, that other employer; and
 - (iii) in the case of the employer's own employee, the relevant doctor;
- (b) as soon as practicable take reasonable steps to notify the suspected overexposure to the person affected;
- (c) make or arrange for such investigation of the circumstances of the exposure and an assessment of any relevant dose received as is necessary to determine, so far as is reasonably practicable, the measures, if any, required to be taken to prevent a recurrence of such overexposure; and
- (d) immediately notify the results of the investigation and assessment referred to in sub-paragraph (c) to the persons and authorities mentioned in sub-paragraph (a) and shall—

- (i) in the case of the employer's employee, immediately notify that employee of the results of the investigation and assessment; or
 - (ii) in the case of a person who is not the employer's employee, where the investigation has shown that that person has received an overexposure, take all reasonable steps to notify that person of their overexposure.
- (2) An employer who makes any investigation pursuant to paragraph (1) shall make a report of that investigation and shall—
- (a) in respect of an immediate investigation, keep that report or a copy of the report for at least 2 years from the date on which it was made; and
 - (b) in respect of an investigation made pursuant to paragraph (1)(c), keep that report or a copy of the report until the person to whom the record relates has or would have attained the age of 75 years but in any event for at least 30 years from the date on which it was made.
- (3) Where the person who received the overexposure is an employee who has a dose record, the employer's employer shall arrange for the assessment of the dose received to be entered into that dose record.

Dose limitation for overexposed employees

27.—(1) Without prejudice to other requirements of these Regulations and in particular regulation 25(5), where an employee has been subjected to an overexposure paragraph (2) applies in relation to the employment of that employee on work with ionising radiation during the remainder of the dose limitation period, where that remaining period commences at the end of the personal dose assessment period in which that employee was subjected to the overexposure.

(2) The employer shall ensure that an employee to whom this regulation relates does not, during the remainder of the dose limitation period, receive a dose of ionising radiation greater than that proportion of any dose limit which is equal to the proportion that the remaining part of the dose limitation period bears to the whole of that period.

(3) The employer shall inform an employee who has been subjected to an overexposure of the dose limit which is applicable to that employee for the remainder of the relevant dose limitation period.

(4) In this regulation, "dose limitation period" means, as appropriate, a calendar year or the period of five consecutive calendar years.