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STATUTORY INSTRUMENTS

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**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.

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(1) S.I. 1974/2040.  
(2) S.I. 1974/2068.