
STATUTORY INSTRUMENTS

2004 No. 1769

**The Justification of Practices Involving
Ionising Radiation Regulations 2004**

PART 4

Procedures

Form of applications and decisions

14.—(1) Any justification decision, required or permitted to be made by these Regulations, that—

- (a) determines that a class or type of practice is justified, where it was not previously justified; or
- (b) determines that a class or type of practice is no longer justified; or
- (c) introduces or changes conditions relating to the justification of a class or type of practice,

shall be made by the Justifying Authority in the form of regulations, by exercising such powers as the Justifying Authority has which arise apart from these Regulations, including but not limited to powers under section 2(2) of the European Communities Act 1972⁽¹⁾.

(2) In the event that any of the persons mentioned in regulation 6(1) as constituting the Justifying Authority has no such power as is mentioned in paragraph (1), he shall not make a justification decision.

(3) Any application, determination, decision or notice made or given under these Regulations, other than a justification decision required by paragraph (1) to be in the form of regulations, shall be in writing, unless paragraph (4) applies.

(4) Any person to whom these Regulations require any application, determination, decision, notice or other information to be communicated may agree to receive that application, determination, decision, notice or other information by any electronic means of communication or other information technology, but may not require it to be so communicated.

(5) Without prejudice to paragraph (1), the Justifying Authority shall take such steps as he considers appropriate to bring any determination, decision or notice made or given under these Regulations to the attention of any person likely to be affected by it.

(6) After making any determination or justification decision under these Regulations, the Justifying Authority which has made the determination or decision shall forthwith give notice of the determination or decision and of where a copy of the determination or decision can be obtained, as follows:

- (a) for a determination or decision affecting England, Wales, or both, in the London Gazette;

(1) The European Communities (Designation) (No3) Order 1991, *SI 1991/2289* designates the Secretary of State and any Northern Ireland department in relation to measures relating to basic safety standards for the health protection of the general public and workers against the dangers of ionising radiation. By virtue of the Scotland Act 1998, Schedule 8, paragraph 1, the Scottish Ministers do not require designation to make regulations under section 2(2) of the European Communities Act 1972. At the time of the making of these Regulations, no orders designating the National Assembly for Wales pursuant to section 29 of the Government of Wales Act 1998 have been made in relation to these functions.

- (b) for a determination or decision affecting Scotland, in the Edinburgh Gazette;
- (c) for a determination or decision affecting Northern Ireland, in the Belfast Gazette.