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STATUTORY INSTRUMENTS

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**2004 No. 1769**

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

**PART 2**

*General Principles*

**Justifying Authority**

**6.—(1)** In these Regulations, “the Justifying Authority” means such of the following persons as may exercise a function under these Regulations—

- (a) the Secretary of State;
- (b) the Scottish Ministers;
- (c) a Northern Ireland department;
- (d) the National Assembly for Wales.

(2) The exercise of functions under these Regulations by the Justifying Authority, except those of receiving applications under regulation 13(1) or being consulted under regulation 18(2), shall be limited as provided in regulation 14(2) and as set out below—

- (a) any function may be exercised by the Secretary of State;
- (b) functions may be exercised by the Scottish Ministers only insofar as justifying the class or type of practice involved falls within devolved competence;
- (c) functions may be exercised by a Northern Ireland department only in relation to Northern Ireland and insofar as justifying the class or type of practice involved is a transferred matter;
- (d) functions may be exercised by the National Assembly for Wales only insofar as functions under these Regulations are functions exercisable by the Assembly by virtue of an order made under section 22 of the Government of Wales Act 1998(1).

(3) Where in these Regulations the Justifying Authority is obliged to perform a function, that obligation shall fall as follows—

- (a) on the Scottish Ministers, a Northern Ireland department, or the National Assembly for Wales, insofar as they may perform that function, having regard to paragraph (2) and to regulation 14(2); and otherwise
- (b) on the Secretary of State.

(4) In these Regulations—

- (a) “devolved competence” has the meaning prescribed by section 54 of the Scotland Act 1998(2);

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(1) 1998 c. 38, to which there are amendments not relevant to these Regulations.

(2) 1998 c. 46, to which there are amendments not relevant to these Regulations.

- (b) “the Scottish Ministers” has the meaning prescribed by section 44 of the Scotland Act 1998;
- (c) “transferred matter” has the meaning prescribed by section 4 of the Northern Ireland Act 1998(3);
- (d) “Scotland” has the meaning prescribed by section 126 of the Scotland Act 1998;
- (e) “Northern Ireland” has the meaning prescribed by section 98(1) of the Northern Ireland Act 1998;
- (f) “Northern Ireland department” has the meaning prescribed by section 21 of the Northern Ireland Act 1998;
- (g) “Wales” has the meaning prescribed by section 155 of the Government of Wales Act 1998.

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(3) 1998 c. 47, to which there are amendments not relevant to these Regulations.