
EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations revoke and supersede the Ionising Radiations Regulations 1999.

The Regulations impose duties on employers to protect employees and other persons against ionising radiation arising from work with radioactive substances and other sources of ionising radiation. The regulations also impose certain duties on employees.

The Regulations implement in part as respects Great Britain provisions of Council Directive 2013/59/Euratom (OJ No L13, 17.1.2014, p 1) laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom.

The Regulations are divided into seven Parts.

Part 1 (Preliminary—Regulations 1–4)

The Regulations define the terms used in and the scope of application of the Regulations. For the purposes of the Regulations, an employer includes a self-employed person and an employee includes a self-employed person and a trainee.

Generally, the Regulations apply to any practice (as defined, and which encompasses various types of work), and to any other work carried out in an atmosphere of radon above a particular concentration. In the Regulations, work with ionising radiation means work to which the Regulations apply.

Part 2 (General principles and procedures—Regulations 5–13)

Regulation 5 requires certain work with ionising radiation to be notified to the appropriate authority (either the Health and Safety Executive (“the Executive”) or, where the work relates to particular nuclear-related sites, the Office for Nuclear Regulation (“the ONR”). The work which requires notification is a residual category of work; amongst other exclusions, work which arises from practices which require registration under regulation 6 or require a consent under regulation 7 do not require notification.

Regulation 6 requires all practices to be registered with the appropriate authority other than those excluded from registration by regulation 6(2). Amongst other exclusions, practices consisting of work which is excluded from notification because the work falls within Schedule 1, are excluded from registration. Practices which require a consent under regulation 7, and practices which involve moderate amounts of radioactive material (not exceeding 1,000kg) where the activity concentration value of that material is less than the values in column 4 of Part 1 of Schedule 7, are also excluded from registration.

Regulation 7 requires an employer to obtain a consent from the appropriate authority to carry out certain practices.

Regulations 8 to 13—

- (a) require employers to make a prior assessment of the risks arising from their work with ionising radiation, to make an assessment of the hazards likely to arise from that work and to prevent and limit the consequences of identifiable radiation accidents;
- (b) require employers to take all reasonable steps to restrict as far as is reasonably practicable the extent to which employees and other persons are exposed to ionising radiation;

Status: This is the original version (as it was originally made).

- (c) require respiratory protective equipment used in work with ionising radiation to conform with agreed standards and require all personal protective equipment and other controls to be regularly examined and properly maintained;
- (d) impose limits (specified in Schedule 3) on the doses of ionising radiation which employees and other persons may receive;
- (e) require in certain circumstances the preparation of contingency plans for radiation accidents which are reasonably foreseeable.

Part 3 (Arrangements for the management of radiation protection—Regulations 14–16)

The Regulations require that employers consult radiation protection advisers in respect of matters specified in Schedule 4 and that employers ensure that adequate information, instruction and training is given to employees and other persons. Employers are required to co-operate by exchanging information to enable compliance by others with requirements to limit the exposure of employees to ionising radiation.

Part 4 (Designated areas—Regulations 17–20)

The Regulations—

- (a) provide that areas in which persons need to follow special procedures to restrict exposure or in which persons are likely to receive more than specified doses of ionising radiation be designated as controlled or supervised areas;
- (b) restrict entry into controlled areas to specified persons and circumstances;
- (c) require radiation employers to set out appropriate local rules for controlled or supervised areas and to appoint radiation protection supervisors for the purpose of securing compliance with the Regulations;
- (d) impose specified duties upon employers in relation to outside workers;
- (e) require radiation levels to be monitored in controlled or supervised areas and provide for the maintenance and testing of monitoring equipment.

Part 5 (Classification and monitoring of persons—Regulations 21–27)

The Regulations require that employees who are likely to receive more than specified doses of ionising radiation be designated as classified persons, that doses received by classified persons be assessed by one or more dosimetry services approved by the Executive and that records of such doses are made and kept for each such person.

The Regulations also provide for—

- (a) certain employees to be subject to medical surveillance;
- (b) any cases in which an employee has received an overexposure to be investigated and notified to the appropriate authority;
- (c) investigations to be made where employees are exposed above specified levels;
- (d) modified dose limits for employees who have received an overexposure.

Part 6 (Arrangements for the control of radioactive substances, articles and equipment—Regulations 28–34)

The Regulations—

- (a) require that where a radioactive substance is to be used as a source of ionising radiation, it should, whenever reasonably practicable, be in the form of a sealed source and

- that any articles embodying or containing radioactive substances are suitably designed, constructed, maintained and tested;
- (b) cover the accounting for, keeping and moving of radioactive substances and require that incidents in which more than specified quantities of radioactive substances escape or are lost or stolen be notified to the appropriate authority;
 - (c) impose duties on manufacturers etc. and installers of articles for use in work with ionising radiation to ensure that such articles are designed, constructed and installed so as to restrict, so far as is reasonably practicable, exposure to ionising radiation;
 - (d) impose similar duties upon employers in relation to equipment used for medical exposures together with additional duties in relation to the testing and safe operation of such equipment;
 - (e) require employers to investigate any defect in medical equipment which may have resulted in a person receiving a dose of ionising radiation much greater than was intended and to notify the appropriate authority of such incidents;
 - (f) prohibit interference with sources of ionising radiation.

Part 7 (Duties of employees and miscellaneous—Regulations 35–43)

The Regulations impose duties upon employees engaged in carrying out work with ionising radiation. The Regulations also—

- (a) provide for the approval of dosimetry services by the Executive;
- (b) provide for a defence on contravention of certain regulations;
- (c) provide for exemptions to be granted by the appropriate authority;
- (d) extend the provision of the Regulations outside Great Britain;
- (e) contain transitional provisions; and
- (f) introduce modifications relating to the Ministry of Defence and visiting forces.

The Regulations contain transitional provisions and savings.

The Regulations make consequential and other modifications to the enactments specified in Schedule 9. In particular—

- (a) the Health and Safety (Enforcing Authority) Regulations 1998 and the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 are modified to transfer enforcement responsibility for these Regulations in relation to road, rail and inland waterway to the ONR; and
- (b) the Health and Safety and Nuclear (Fees) Regulations 2016 are modified to include an application fee of £25 for a registration under regulation 6 or a consent to carry out specified practices under regulation 7.

A full impact assessment of the effect that these Regulations would have on the costs of business and the voluntary sector is published with the Explanatory Memorandum, which is available alongside the instrument on www.legislation.gov.uk.

The transposition note in relation to the implementation of the Basis Safety Standards Directive is also published with the Explanatory Memorandum and available on that website. Copies of these documents are available in the libraries of both Houses of Parliament.