

TRANSPOSITION NOTE

IMPLEMENTATION OF THE JUSTIFICATION OF PRACTICES AND PUBLIC EXPOSURES ASPECTS OF THE BASIC SAFETY STANDARDS DIRECTIVE 2013/59/EURATOM (BSSD)

Justification of Practices Involving Ionising Radiation Regulations 2004

The Department for Business, Energy and Industrial Strategy (BEIS) has overall responsibility for coordinating UK transposition of the BSSD. A number of government departments, and the devolved administrations, are making regulations to transpose various aspects of the BSSD and each will complete a Transposition Note relating to the regulations they are making.

BEIS is implementing the **justification of practices** and **public exposures** aspects of the BSSD through four sets of regulations:

- the Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018, which amend the Justification of Practices Involving Ionising Radiation Regulations 2004 (S.I. 2004/1769) which set out a UK-wide framework for the making of justification decisions;
- the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2018, which amend the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154) which set out the environmental permitting regime for radioactive substances activities;
- the Radioactive Contaminated Land (Enabling Powers and Modification of Enactments) (Amendment) (England) Regulations 2018, which amend the Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005 (S.I. 2005/3467) and the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006 (S.I. 2006/1379); and
- the Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018¹, which make UK-wide provision for matters not covered by existing statutory regimes.

The table below sets out how articles in the BSSD are transposed by the **Justification of Practices Involving Ionising Radiation Regulations 2004 as amended by the Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018**. Unless otherwise stated, the references in the table refer to the 2004 Regulations.

Article	Objective	Implementation
4	Definitions Sets out relevant legislative definitions.	Regulation 3

¹ This instrument will be made on a separate date.

5(a)	General principles of radiation protection Principles of radiation protection should be followed such that decisions to introduce a practice are justified by societal benefit which outweighs harm, and exposure to individuals of the public is minimised.	Regulation 4(1), (2), (5) & 5 (1), (2)
19.1	Justification of practices New practices involving ionising radiation should be justified with respect to public, occupational and medical exposures and existing practices should be reviewed appropriately.	Regulation 4 (1), (2), (5) & 5 (1), (2)
19.2		Regulation 10
19.3		Regulation 4(3A)
19.4		Regulations 4(3B)
20.1	Practices involving consumer products Competent authority to be appropriately informed of intention to manufacture or import consumer products for which the intended use is likely to be a new class or type of practice, and to prohibit those that are not justified and do not satisfy other safety-related criteria.	Regulation 20A(1); Schedule A1(1)
20.2		Regulation 20A(1), (2); Schedule A1(2)
20.4		Regulation 20A(3)
21.1	Prohibition of practices Prohibit deliberate addition of radioactive substances in toys or personal ornaments, as well the activation of materials used in toys or personal ornaments, and prohibit import or export of such products. The activation of material used in a consumer product is to be deemed not to be justified.	Regulation 20(1)(b)
21.2		Regulation 20B
21.3		Regulation 20(1)(a),(b)
21.4		Regulation 20(1A)
22.1	Practices involving the deliberate exposure of humans for non-medical imaging purposes Identify and ensure practices involving non-medical imaging exposure are justified and regularly reviewed.	Regulation 21B
22.2		Regulation 21C
22.2(a)		Regulation 4(1), (2), (75) & 5(1), (2)
22.2(b)		Regulation 21C
22.2(d)		Regulation 10 & 21C
22.2(e)		Regulation 21D(1)
22.4(b)		Regulation 21E(1), (2), (3), (4)
22.4(d)		Regulation 21F

22.4(e)		Regulation 21G
55.2(a)	Justification Medical exposure should have net benefit, all new medical exposures should be justified in advance and where a medical exposure is not generally justified, can be evaluated in special circumstances on a case-by-case basis.	Regulation 4 (1), (2), (5) & 5 (1), (2)
55.2(c)		Regulation 21
76.1	Competent authority Designate and provide powers to independent competent authority to carry out tasks of Directive.	Regulation 6(1)
76.1(a)		Regulation 6(1A)
76.1(b)		Regulation 23
77	Transparency Information on justified practises and regulation of radiation sources and radiation protection are made available to workers, members of public, patients and individuals subject to medical exposure, and that information does not compromise security.	Regulation 19
104.1	Inspections Establish systems of inspection to enforce and assess provisions of the Directive and to take corrective action where necessary.	Regulation 23A
104.2		Regulation 23A(1)
104.3		Regulation 23A(2)
105	Enforcement Ensure competent authority has powers to require individual or legal person to take action to remedy deficiencies where exposure is not compliant with provisions of Directive.	Regulation 21E(4), (5), (6), 22 & 24