

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

By these Regulations the Secretary of State makes a justification decision in accordance with the Justification of Practices Involving Ionising Radiation Regulations 2004 ( [S.I. 2004/1769](#) ) (“the 2004 Regulations”). The 2004 Regulations lay down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation.

The 2004 Regulations prohibit the carrying out of new classes or types of practice involving ionising radiation. A class or type of practice is “new” where no practice within that class or type of practice was carried out in the United Kingdom before 13th May 2000 and no justification decision has been made that that class or type of practice is justified. Where the Secretary of State has determined that a class or type of practice is new and the Justifying Authority (defined in regulation 6 of the 2004 Regulations) is satisfied that the new class or type of practice is justified (defined in regulation 4(2) of the 2004 Regulations to mean that the individual or societal benefits resulting from the class or type of practice outweigh the health detriments it may cause), the Authority must make a decision to that effect (a justification decision) in the form of regulations (regulation 14 of the 2004 Regulations).

Regulation 2 of these Regulations sets out relevant definitions, including the class or type of practice known as the scientific age imaging practice. ‘Appropriate, fair and reasonable age assessment’ is not defined in the Regulations. Case law (including *R(B) v Merton London Borough Council [2003] 4 All ER 280*) sets out what is necessary for an ‘appropriate, fair and reasonable age assessment’.

The Secretary of State is the Justifying Authority in relation to that class or type of practice and has previously determined that the scientific age imaging practice is a new class or type of practice. Under regulation 3, the Secretary of State makes a justification decision that the scientific age imaging practice is justified.

Regulation 4 makes the justification decision subject to the condition that results from the scientific age imaging practice may only be used for the purpose specified in that regulation. Regulation 5 provides that the use of computed tomography (a type of radiography) for the purposes of assessing age is not justified.

A full regulatory impact assessment has not been produced for this instrument because there is no, or no significant, impact on the private, voluntary or public sectors.