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STATUTORY INSTRUMENTS

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**1999 No. 3232**

**The Ionising Radiations Regulations 1999**

**PART V**

**CLASSIFICATION AND MONITORING OF PERSONS**

**Designation of classified persons**

**20.**—(1) Subject to paragraph (2), the employer shall designate as classified persons those of his employees who are likely to receive an effective dose in excess of 6mSv per year or an equivalent dose which exceeds three-tenths of any relevant dose limit and shall forthwith inform those employees that they have been so designated.

(2) The employer shall not designate an employee as a classified person unless—

- (a) that employee is aged 18 years or over; and
- (b) an appointed doctor or employment medical adviser has certified in the health record that that employee is fit for the work with ionising radiation which he is to carry out.

(3) The employer may cease to treat an employee as a classified person only at the end of a calendar year except where—

- (a) an appointed doctor or employment medical adviser so requires; or
- (b) the employee is no longer employed by the same employer in a capacity which is likely to result in significant exposure to ionising radiation during the remainder of the relevant calendar year.

**Dose assessment and recording**

**21.**—(1) Every employer shall ensure that—

- (a) in respect of each of his employees who is designated as a classified person, an assessment is made of all doses of ionising radiation received by such employee which are likely to be significant; and
- (b) such assessments are recorded.

(2) For the purposes of paragraph (1), the employer shall make suitable arrangements with one or more approved dosimetry service for—

- (a) the making of systematic assessments of such doses by the use of suitable individual measurement for appropriate periods or, where individual measurement is inappropriate, by means of other suitable measurements; and
- (b) the making and maintenance of dose records relating to each classified person.

(3) For the purposes of paragraph (2)(b), the arrangements that the employer makes with the approved dosimetry service shall include requirements for that service—

- (a) to keep the records made and maintained pursuant to the arrangements or a copy thereof until the person to whom the record relates has or would have attained the age of 75 years but in any event for at least 50 years from when they were made;
  - (b) to provide the employer at appropriate intervals with suitable summaries of the dose records maintained in accordance with sub-paragraph (a) above;
  - (c) when required by the employer, to provide him with such copies of the dose record relating to any of his employees as the employer may require;
  - (d) when required by the employer, to make a record of the information concerning the dose assessment relating to a classified person who ceases to be an employee of the employer, and to send that record to the Executive and a copy thereof to the employer forthwith, and a record so made is referred to in this regulation as a “termination record”;
  - (e) within 3 months, or such longer period as the Executive may agree, of the end of each calendar year to send to the Executive summaries of all current dose records relating to that year;
  - (f) when required by the Executive, to provide it with copies of any dose records;
  - (g) where a dose is estimated pursuant to regulation 22, to make an entry in a dose record and retain the summary of the information used to estimate that dose;
  - (h) where the employer employs an outside worker, to provide, where appropriate, a current radiation passbook in respect of that outside worker; and
  - (i) where the employer employs an outside worker who works in Northern Ireland or another member State, maintain a continuing record of the assessment of the dose received by that outside worker when working in such place.
- (4) The employer shall provide the approved dosimetry service with such information concerning his employees as is necessary for the approved dosimetry service to comply with the arrangements made for the purposes of paragraph (2).
- (5) An employer shall—
- (a) ensure that each outside worker employed by him is provided with a current individual radiation passbook which shall not be transferable to any other worker and in which shall be entered the particulars set out in Schedule 6; and
  - (b) make suitable arrangements to ensure that the particulars entered in the radiation passbook are kept up-to-date during the continuance of the employment of the outside worker by that employer.
- (6) The employer shall—
- (a) at the request of a classified person employed by him (or of a person formerly employed by him as a classified person) and on reasonable notice being given, obtain (where necessary) from the approved dosimetry service and make available to that person—
    - (i) a copy of the dose summary provided for the purpose of paragraph (3)(b) relating to that person and made within a period of 2 years preceding the request; and
    - (ii) a copy of the dose record of that person; and
  - (b) when a classified person ceases to be employed by the employer, take all reasonable steps to provide to that person a copy of his termination record.
- (7) The employer shall keep a copy of the summary of the dose record received from the approved dosimetry service for at least 2 years from the end of the calendar year to which the summary relates.

## **Estimated doses and special entries**

**22.**—(1) Where a dosimeter or other device is used to make any individual measurement under regulation 21(2) and that dosimeter or device is lost, damaged or destroyed or it is not practicable to assess the dose received by a classified person over any period, the employer shall make an adequate investigation of the circumstances of the case with a view to estimating the dose received by that person during that period and either—

- (a) in a case where there is adequate information to estimate the dose received by that person, shall send to the approved dosimetry service an adequate summary of the information used to estimate that dose and shall arrange for the approved dosimetry service to enter the estimated dose in the dose record of that person; or
- (b) in a case where there is inadequate information to estimate the dose received by the classified person, shall arrange for the approved dosimetry service to enter a notional dose in the dose record of that person which shall be the proportion of the total annual dose limit for the relevant period,

and in either case the employer shall take reasonable steps to inform the classified person of that entry and arrange for the approved dosimetry service to identify the entry in the dose record as an estimated dose or a notional dose as the case may be.

(2) The employer shall, at the request of the classified person (or a person formerly employed by that employer as a classified person) to whom the investigation made under paragraph (1) relates and on reasonable notice being given, make available to that person a copy of the summary sent to the approved dosimetry service under sub-paragraph (a) of paragraph (1).

(3) Subject to paragraphs (5) and (8), where an employer has reasonable cause to believe that the dose received by a classified person is much greater or much less than that shown in the relevant entry of the dose record, he shall make an adequate investigation of the circumstances of the exposure of that person to ionising radiation and, if that investigation confirms his belief, the employer shall, where there is adequate information to estimate the dose received by the employee—

- (a) send to the approved dosimetry service an adequate summary of the information used to estimate that dose;
- (b) arrange for the approved dosimetry service to enter that estimated dose in the dose record of that person and for the approved dosimetry service to identify the estimated dose in the dose record as a special entry; and
- (c) notify the classified person accordingly.

(4) The employer shall make a report of any investigation carried out under paragraph (3) and shall preserve a copy of that report for a period of 2 years from the date it was made.

(5) Paragraph (3) shall not apply—

- (a) in respect of a classified person subject only to an annual dose limit, more than 12 months after the original entry was made in the record; and
- (b) in any other case, more than 5 years after the original entry was made in the record.

(6) Where a classified person is aggrieved by a decision to replace a recorded dose by an estimated dose pursuant to paragraph (3) he may, by an application in writing to the Executive made within 3 months of the date on which he was notified of the decision, apply for that decision to be reviewed.

(7) Where the Executive concludes (whether as a result of a review carried out pursuant to paragraph (6) or otherwise) that—

- (a) there is reasonable cause to believe the investigation carried out pursuant to paragraph (3) was inadequate; or
- (b) a reasonable estimated dose has not been established,

the employer shall, if so directed by the Executive, re-instate the original entry in the dose record.

(8) The employer shall not, without the consent of the Executive, require the approved dosimetry service to enter an estimated dose in the dose record in any case where—

- (a) the cumulative recorded effective dose is 20mSv or more in one calendar year; or
- (b) the cumulative recorded equivalent dose for the calendar year exceeds a relevant dose limit.

#### **Dosimetry for accidents etc.**

**23.**—(1) Where any accident or other occurrence takes place which is likely to result in a person receiving an effective dose of ionising radiation exceeding 6mSv or an equivalent dose greater than three-tenths of any relevant dose limit, the employer shall—

- (a) in the case of a classified person, arrange for a dose assessment to be made by the approved dosimetry service forthwith;
  - (b) in the case of an employee to whom a dosimeter or other device has been issued in accordance with regulation 12(2), arrange for that dosimeter or device to be examined and for the dose received to be assessed by the approved dosimetry service as soon as possible;
  - (c) in any other case, arrange for the dose to be assessed by an appropriate means as soon as possible, having regard to the advice of the radiation protection adviser.
- (2) In such a case, the employer shall—
- (a) take all reasonably practicable steps to inform each person for whom a dose assessment has been made of the result of that assessment; and
  - (b) keep a record of the assessment or a copy thereof until the person to whom the record relates has or would have attained the age of 75 years but in any event for at least 50 years from the date of the relevant accident.

#### **Medical surveillance**

**24.**—(1) This regulation shall apply in relation to—

- (a) classified persons and persons whom an employer intends to designate as classified persons;
- (b) employees who have received an overexposure and are not classified persons;
- (c) employees who are engaged in work with ionising radiation subject to conditions imposed by an appointed doctor or employment medical adviser under paragraph (6).

(2) The employer shall ensure that each of his employees to whom this regulation relates is under adequate medical surveillance by an appointed doctor or employment medical adviser for the purpose of determining the fitness of each employee for the work with ionising radiation which he is to carry out.

(3) The employer shall ensure that a health record, containing the particulars referred to in Schedule 7, in respect of each of his employees to whom this regulation relates is made and maintained and that that record or a copy thereof is kept until the person to whom the record relates has or would have attained the age of 75 years but in any event for at least 50 years from the date of the last entry made in it.

(4) Subject to paragraph (5), the employer shall ensure that there is a valid entry in the health record of each of his employees to whom this regulation relates (other than employees who have received an overexposure and who are not classified persons) made by an appointed doctor or employment medical adviser and an entry in the health record shall be valid—

- (a) for 12 months from the date it was made or treated as made by virtue of paragraph (5);

- (b) for such shorter period as is specified in the entry by the appointed doctor or employment medical adviser; or
- (c) until cancelled by an appointed doctor or employment medical adviser by a further entry in the record.

(5) For the purposes of paragraph (4)(a), a further entry in the health record of the same employee shall, where made not less than 11 months nor more than 13 months after the start of the current period of validity, be treated as if made at the end of that period.

(6) Where the appointed doctor or employment medical adviser has certified in the health record of an employee to whom this regulation relates that in his professional opinion that employee should not be engaged in work with ionising radiation or that he should only be so engaged under conditions he has specified in the health record, the employer shall not permit that employee to be engaged in the work with ionising radiation except in accordance with the conditions, if any, so specified.

(7) Where, for the purpose of carrying out his functions under these Regulations, an appointed doctor or employment medical adviser requires to inspect any workplace, the employer shall permit him to do so.

(8) The employer shall make available to the appointed doctor or employment medical adviser the summary of the dose record kept by the employer pursuant to regulation 21(7) and such other records kept for the purposes of these Regulations as the appointed doctor or employment medical adviser may reasonably require.

(9) Where an employee is aggrieved by a decision recorded in the health record by an appointed doctor or employment medical adviser he may, by an application in writing to the Executive made within 3 months of the date on which he was notified of the decision, apply for that decision to be reviewed in accordance with a procedure approved for the purposes of this paragraph by the Health and Safety Commission, and the result of that review shall be notified to the employee and entered in his health record in accordance with the approved procedure.

### **Investigation and notification of overexposure**

**25.—**(1) Where a radiation employer suspects or has been informed that any person is likely to have received an overexposure as a result of work carried out by that employer, that employer shall make an immediate investigation to determine whether there are circumstances which show beyond reasonable doubt that no overexposure could have occurred and, unless this is shown, the radiation employer shall—

- (a) as soon as practicable notify the suspected overexposure to—
  - (i) the Executive;
  - (ii) in the case of an employee of some other employer, that other employer; and
  - (iii) in the case of his own employee, the appointed doctor or employment medical adviser;
- (b) as soon as practicable take reasonable steps to notify the suspected overexposure to the person affected; and
- (c) make or arrange for such investigation of the circumstances of the exposure and an assessment of any relevant dose received as is necessary to determine, so far as is reasonably practicable, the measures, if any, required to be taken to prevent a recurrence of such overexposure and shall forthwith notify the results of that investigation and assessment to the persons and authorities mentioned in sub-paragraph (a) above and shall—
  - (i) in the case of his employee, forthwith notify that employee of the results of the investigation and assessment, or

(ii) in the case of a person who is not his employee, where the investigation has shown that that person has received an overexposure, take all reasonable steps to notify him of his overexposure.

(2) A radiation employer who makes any investigation pursuant to paragraph (1) shall make a report of that investigation and shall—

(a) in respect of an immediate investigation, keep that report or a copy thereof for at least 2 years from the date on which it was made; and

(b) in respect of an investigation made pursuant to sub-paragraph (c) of paragraph (1), keep that report or a copy thereof until the person to whom the record relates has or would have attained the age of 75 years but in any event for at least 50 years from the date on which it was made.

(3) Where the person who received the overexposure is an employee who has a dose record, his employer shall arrange for the assessment of the dose received to be entered into that dose record.

#### **Dose limitation for overexposed employees**

**26.**—(1) Without prejudice to other requirements of these Regulations and in particular regulation 24(6), where an employee has been subjected to an overexposure paragraph (2) shall apply in relation to the employment of that employee on work with ionising radiation during the remainder of the dose limitation period commencing at the end of the personal dose assessment period in which he was subjected to the overexposure.

(2) The employer shall ensure that an employee to whom this regulation relates does not, during the remainder of the dose limitation period, receive a dose of ionising radiation greater than that proportion of any dose limit which is equal to the proportion that the remaining part of the dose limitation period bears to the whole of that period.

(3) The employer shall inform an employee who has been subjected to an overexposure of the dose limit which is applicable to that employee for the remainder of the relevant dose limitation period.

(4) In this regulation, “dose limitation period” means, as appropriate, a calendar year or the period of five consecutive calendar years.