
STATUTORY INSTRUMENTS

2004 No. 1769

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

PART 4

Procedures

Application procedure

13.—(1) A person may make an application under regulation 9 [F1, 10, 21C or 21E] to the Secretary of State, the Scottish Ministers, a Northern Ireland department, or the [F2 Welsh Ministers], and those persons may receive such applications, without limitation as to the territorial extent or the subject matter of the application.

(2) The recipient of an application shall forthwith upon receipt forward a copy of it to such of the persons listed in regulation 6(1) as did not receive the application, which copies shall be treated as if they were applications.

(3) Any application under regulation 9 [F3, 10, 21C or 21E] shall, notwithstanding any statement by the applicant of the geographical extent or limit of his application, be treated as if it were an application made to each of the persons listed in regulation 6(1) insofar as each is able pursuant to regulation 6(2) to exercise the function of determining the application.

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| <p>F1 Words in reg. 13(1) substituted (18.4.2018) by The Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018 (S.I. 2018/430), regs. 1, 10(2)(a)</p> |
| <p>F2 Words in reg. 13(1) substituted (18.4.2018) by The Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018 (S.I. 2018/430), regs. 1, 10(2)(b)</p> |
| <p>F3 Words in reg. 13(3) substituted (18.4.2018) by The Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018 (S.I. 2018/430), regs. 1, 10(3)</p> |

Form of applications and decisions

14.—(1) Any justification decision, required or permitted to be made by these Regulations, that—

- (a) determines that a class or type of practice is justified, where it was not previously justified; or
- (b) determines that a class or type of practice is no longer justified; or
- (c) introduces or changes conditions relating to the justification of a class or type of practice,

shall be made by the Justifying Authority in the form of regulations, by exercising such powers as the Justifying Authority has which arise apart from these Regulations, including but not limited to powers under [F4 regulation 4 of the Justification Decision Power (Amendment) (EU Exit) Regulations 2019].

(2) In the event that any of the persons mentioned in regulation 6(1) as constituting the Justifying Authority has no such power as is mentioned in paragraph (1), he shall not make a justification decision.

(3) Any application, determination, decision or notice made or given under these Regulations, other than a justification decision required by paragraph (1) to be in the form of regulations, shall be in writing, unless paragraph (4) applies.

(4) Any person to whom these Regulations require any application, determination, decision, notice or other information to be communicated may agree to receive that application, determination, decision, notice or other information by any electronic means of communication or other information technology, but may not require it to be so communicated.

(5) Without prejudice to paragraph (1), the Justifying Authority shall take such steps as he considers appropriate to bring any determination, decision or notice made or given under these Regulations to the attention of any person likely to be affected by it.

(6) After making any determination or justification decision under these Regulations, the Justifying Authority which has made the determination or decision shall forthwith give notice of the determination or decision and of where a copy of the determination or decision can be obtained, as follows:

- (a) for a determination or decision affecting England, Wales, or both, in the London Gazette;
- (b) for a determination or decision affecting Scotland, in the Edinburgh Gazette;
- (c) for a determination or decision affecting Northern Ireland, in the Belfast Gazette.

F4 Words in [reg. 14](#) substituted (31.12.2020) by [The Justification Decision Power \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/215\)](#), regs. 1, 3; 2020 c. 1, Sch. 5 para. 1(1)

Time for determining applications

15.—(1) The Justifying Authority or, in the case of regulation 12, the Secretary of State shall, within one month of receiving an application or request under regulation 9, 10 [^{F5}, 12, 21C or 21E], notify the applicant of the period within which it will be determined.

(2) The Justifying Authority or, in the case of regulation 12, the Secretary of State shall, within the period notified to the applicant under paragraph (1) or such further period as shall be notified to the applicant—

- (a) make a justification decision or determination in relation to that application; or
- (b) (if he has decided not to make a justification decision on an application made under regulation 10) notify the applicant of his intention not to make a justification decision in respect of the application.

F5 Words in [reg. 15\(1\)](#) substituted (18.4.2018) by [The Justification of Practices Involving Ionising Radiation \(Amendment\) Regulations 2018 \(S.I. 2018/430\)](#), regs. 1, **11(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Justification of Practices Involving Ionising Radiation Regulations 2004, PART 4.