
STATUTORY INSTRUMENTS

2017 No. 1075

The Ionising Radiations Regulations 2017

PART 7

DUTIES OF EMPLOYEES AND MISCELLANEOUS

Modifications relating to the Ministry of Defence etc

40.—(1) In this regulation, any reference to—

- (a) “visiting forces” is a reference to visiting forces within the meaning of any provision of Part 1 of the Visiting Forces Act 1952(1); and
- (b) “headquarters or organisation” is a reference to a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(2).

(2) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt—

- (a) Her Majesty’s Forces;
- (b) visiting forces;
- (c) any member of a visiting force working in or attached to any headquarters or organisation; or
- (d) any person engaged in work with ionising radiation for, or on behalf of, the Secretary of State for Defence,

from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing, except that, where any such exemption is granted, suitable arrangements must be made for the assessment and recording of doses of ionising radiation received by persons to whom the exemption relates.

(3) Regulations 5, 6 and 7 do not apply in relation to work carried out by visiting forces or any headquarters or organisation on premises under the control of such visiting force, headquarters or organisation, as the case may be, or on premises under the control of the Secretary of State for Defence.

(4) With respect to any work with ionising radiation undertaken for, or on behalf of, the Secretary of State for Defence—

- (a) the requirements of regulations 5(2) and (3), 6(4)(a) and (b), and 7(3)(a) and (b) to notify particulars specified by the appropriate authority (as defined for the purposes of those regulations) only apply in relation to the particulars that may be so specified from the list set out in paragraph (9); and

(1) 1952 c. 67. The definition of “visiting forces” was amended by paragraph 14 of Schedule 15 to the Criminal Justice Act 1988 (c. 33).

(2) 1964 c. 5.

- (b) any requirement to provide any of the particulars described in paragraphs (9)(d), (e), (f), (g), (h) (i) and (k) does not apply where—
 - (i) the Secretary of State for Defence decides that the provision of such particulars will be contrary to the interests of national security; or
 - (ii) suitable alternative arrangements have been agreed with the appropriate authority (as defined in paragraph (10)).
- (5) Regulation 5(4) does not apply to an employer in relation to work with ionising radiation undertaken for or on behalf of the Secretary of State for Defence, visiting forces or any headquarters or organisation.
- (6) Sub-paragraph (i) of regulation 22(3) does not apply in relation to a practice carried out—
 - (a) by or on behalf of the Secretary of State for Defence;
 - (b) by a visiting force; or
 - (c) by any member of a visiting force in or attached to any headquarters or organisation.
- (7) Regulations 23(6), (7) and (8) and regulation 25(8) do not apply in relation to visiting forces or any member of a visiting force working in or attached to any headquarters or organisation.
- (8) In regulation 26(1) the requirement to notify the appropriate authority (as defined for the purposes of that regulation) of a suspected overexposure and the results of the consequent investigation and assessment does not apply in relation to the exposure of—
 - (a) a member of a visiting force; or
 - (b) a member of a visiting force working in or attached to a headquarters or organisation.
- (9) The particulars referred to in paragraph (4) are—
 - (a) the name, address, telephone number and email address of the employer;
 - (b) the address of the premises where or from where the work activity is to be carried out and a telephone number or email address for such premises;
 - (c) the nature of the business of the employer;
 - (d) a description of the work with ionising radiation;
 - (e) particulars of the source or sources of ionising radiation including the type of electrical equipment used or operated and the nature of any radioactive substance;
 - (f) the quantities of any radioactive substance used in the work;
 - (g) the identity of any person engaged in the work;
 - (h) whether or not any source is to be used at premises other than the address given in sub-paragraph (b);
 - (i) the location and description of any premises at which the work is carried out on each occasion that it is so carried out;
 - (j) the date of notification, registration or application for consent to carry out the work activity and the date of commencement of the work activity;
 - (k) the duration of any period over which the work is carried out and the date of termination of the work activity.
- (10) In paragraph (4)(b)(ii), “appropriate authority” means—
 - (a) in connection with the application of this regulation in relation to, or in relation to any activity carried out on, any nuclear premises, the ONR;
 - (b) otherwise, the Executive.

