

STATUTORY RULES OF NORTHERN IRELAND

2017 No. 229

The Ionising Radiations Regulations (Northern Ireland) 2017

PART 7

DUTIES OF EMPLOYEES AND MISCELLANEOUS

Duties of employees

35.—(1) An employee who is engaged in work with ionising radiation shall not knowingly expose themselves or any other person to ionising radiation to an extent greater than is reasonably necessary for the purposes of their work, and shall exercise reasonable care while carrying out such work.

(2) Every employee or outside worker for whom personal protective equipment is provided pursuant to regulation 9(2)(c) shall—

- (a) make full and proper use of any such personal protective equipment;
- (b) immediately report to the employer who provided any such personal protective equipment any defect they discover in that equipment; and
- (c) take all reasonable steps to ensure that any such personal protective equipment is returned after use to the accommodation provided for it.

(3) It is the duty of every classified outside worker not to misuse the radiation passbook issued to that worker or falsify or attempt to falsify any of the information contained in it.

(4) Any employee to whom regulation 22(1) or regulation 13(2)(b) relates shall comply with any reasonable requirement imposed on that person by that person's employer for the purposes of making the measurements and assessments required under regulation 22(1) and regulation 24(1).

(5) An employee who is subject to medical surveillance under regulation 25 shall, when required by their employer and at the cost of the employer, present themselves during their working hours for such medical examination and tests as may be required for the purposes of regulation 25(2) and shall provide the relevant doctor with such information concerning their health as the relevant doctor may reasonably require.

(6) Where an employee has reasonable cause to believe that—

- (a) they or some other person has received an overexposure [^{F1}or] ;
- (b) an occurrence mentioned in paragraph (1) or (3) of regulation 31 has occurred; ^{F2} ...

^{F3}(c)

they shall immediately notify their employer of that belief.

Textual Amendments

F1 Word in reg. 35(6)(a) inserted (6.2.2018) by [The Ionising Radiation \(Medical Exposure\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/17\)](#), reg. 1, **Sch. 4 para. 1(5)(a)**

- F2** Word in reg. 35(6)(b) omitted (6.2.2018) by virtue of The Ionising Radiation (Medical Exposure) Regulations (Northern Ireland) 2018 (S.R. 2018/17), reg. 1, **Sch. 4 para. 1(5)(b)**
- F3** Reg. 35(6)(c) omitted (6.2.2018) by virtue of The Ionising Radiation (Medical Exposure) Regulations (Northern Ireland) 2018 (S.R. 2018/17), reg. 1, **Sch. 4 para. 1(5)(c)**

Approval of dosimetry services

36.—(1) The Executive (or such other person as may from time to time be specified in writing by the Executive) may, by a certificate in writing, approve (in accordance with such criteria as may from time to time be specified by the Executive) a suitable dosimetry service for such of the purposes of these Regulations or of the [^{F4}Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2019] as are specified in the certificate.

(2) A certificate made pursuant to paragraph (1) may be subject to conditions and may be revoked in writing at any time.

(3) The Executive (or such other person as may from time to time be specified in writing by the Executive) may at such periods as it considers appropriate carry out a re-assessment of any approval granted pursuant to paragraph (1).

Textual Amendments

- F4** Words in reg. 36(1) substituted (1.11.2019) by The Radiation (Emergency Preparedness and Public Information) Regulations (Northern Ireland) 2019 (S.R. 2019/185), reg. 1, **Sch. 9 para. 5(1)** (with reg. 3)

Defence on contravention

37.—(1) In any proceedings against an employer for an offence under regulation 5(2) (notification), 6(3) (registration) or 7(2) (consent), it is a defence for that employer to prove that—

- (a) it neither knew nor had reasonable cause to believe that it had carried out or might be required to carry out work that required notification under regulation 5(2), registration under regulation 6(3) or consent under regulation 7(2) (as the case may be); and
- (b) in a case where it discovered that it had carried out or was carrying out such work, it had immediately notified, registered or applied for consent for such work (as the case may be) in accordance with those regulations.

(2) The defence in paragraph (1)—

- (a) in connection with an offence under regulation 6(3), does not apply in relation to the operation of a radiation generator; and
- (b) in connection with an offence under regulation 7(2), only applies in relation to a practice referred to in regulation 7(1)(g).

(3) In any proceedings against an employer for an offence under regulation 8, it is a defence for that employer to prove that—

- (a) it neither knew nor had reasonable cause to believe that it had commenced a new activity involving work with ionising radiation; and
- (b) in a case where it had discovered that it had commenced a new activity involving work with ionising radiation, it had as soon as practicable made an assessment as required by regulation 8.

(4) In any proceedings against an employer for an offence under regulation 28(2) it is a defence for that employer to prove that—

- (a) it had received and reasonably relied on a written undertaking from the supplier of the article concerned that the article complied with the requirements of that paragraph; and
 - (b) it had complied with the requirements of paragraph (3) of that regulation.
- (5) In any proceedings against an employer of an outside worker for a breach of a duty under these Regulations it is a defence for that employer to show that—
- (a) it had entered into a contract in writing with the employer who had designated an area as a controlled or supervised area and in which the outside worker was working or was to work for that employer to perform that duty on its behalf; and
 - (b) the breach of duty was a result of the failure of the employer referred to in subparagraph (a) to fulfil that contract.
- (6) In any proceedings against any employer who has designated a controlled or supervised area in which any outside worker is working or is to work for a breach of a duty under these Regulations it is a defence for that employer to show that—
- (a) it had entered into a contract in writing with the employer of an outside worker for that employer to perform that duty on its behalf; and
 - (b) the breach of duty was a result of the failure of the employer referred to in subparagraph (a) to fulfil that contract.
- (7) A person charged is not, without the permission of the court, entitled to rely on the defence referred to in paragraph (5) or (6) unless, within a period ending 7 clear days before the hearing, that person has served on the prosecutor a notice in writing of that person's intention to rely on the defence and the notice shall be accompanied by a copy of the contract on which that person intends to rely and, if that contract is not in English, an accurate translation of that contract into English.
- (8) Where a contravention of these Regulations by any person is due to the act or default of some other person, that other person will be guilty of the offence which would, but for any defence under this regulation available to the first-mentioned person, be constituted by the act or default.

Exemption certificates

- 38.**—(1) Subject to paragraph (2), the Executive may, by a certificate in writing, exempt—
- (a) any person or class of persons;
 - (b) any premises or class of premises; or
 - (c) any equipment, apparatus or substance or class of equipment, apparatus or substance,
- from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.
- (2) The Executive shall not grant an exemption unless, having regard to the circumstances of the case and in particular to—
- (a) the conditions, if any, which it proposes to attach to the exemption; and
 - (b) any other requirements imposed by or under any enactments which apply to the case,
- it is satisfied that—
- (c) the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it; and
 - (d) compliance with the fundamental radiation protection provisions underlying regulations 9(1) and (2)(a), 12, 13(1), 17(1) and (3), 20(1), 21(1), 22(1), [F5and] 25(2) F6... will be achieved.

Textual Amendments

- F5** Word in reg. 38(2)(d) inserted (6.2.2018) by [The Ionising Radiation \(Medical Exposure\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/17\), reg. 1, Sch. 4 para. 1\(6\)\(a\)](#)
- F6** Words in reg. 38(2)(d) omitted (6.2.2018) by virtue of [The Ionising Radiation \(Medical Exposure\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/17\), reg. 1, Sch. 4 para. 1\(6\)\(b\)](#)

Application within the territorial sea

39.—(1) Subject to paragraph (2), within the territorial sea these Regulations shall apply only to or in relation to the premises and activities to which any of paragraphs 2 to 9 of Schedule 10 applies.

(2) For the purposes of paragraph (1), in any case where it is not reasonably practicable for an employer to comply with the requirements of these Regulations in so far as they relate to functions being performed by a relevant doctor or by an approved dosimetry service, it is sufficient compliance with any such requirements if the employer makes arrangements affording an equivalent standard of protection for its employees and those arrangements are set out in local rules.

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^{M1}; 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^{M2}.

(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 shall 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 Executive only apply in relation to the particulars that may be so specified from the list set out in paragraph (9); and

- (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 Executive.
- (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 Executive 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 e-mail 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 e-mail 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.

Marginal Citations

- M1** [1952 c. 67](#). The definition of “visiting forces” was amended by paragraph 14 of Schedule 15 to the [Criminal Justice Act 1988 \(c. 33\)](#)
- M2** [1964 c. 5](#)

Transitional provisions and savings

41. Schedule 8, which makes transitional provisions and savings, has effect.

Modifications and revocation

42.—(1) Schedule 9, which contains modifications to primary and secondary legislation, has effect.

(2) The Ionising Radiations Regulations (Northern Ireland) 2000 ^{M3} are revoked.

Marginal Citations

M3 S.R. 2000 No. 375, as amended by S.R. 2001 No. 436 and S.R. 2006 No. 205; revoked in part by S.R. 2001 No. 436, S.R. 2003 No. 510 and S.R. 2003 No. 533; and modified by S.R. 2016 No. 427

Changes to legislation:

There are currently no known outstanding effects for the The Ionising Radiations Regulations (Northern Ireland) 2017, PART 7.