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STATUTORY INSTRUMENTS

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**2004 No. 1769**

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

**PART 3**

*Applications and Determinations*

**Consideration of new practices**

**9.**—(1) A person may apply to the Justifying Authority for a justification decision in respect of a new class or type of practice.

(2) Having received an application under paragraph (1) the Justifying Authority shall, subject to regulation 14(2), consider it and make a justification decision in respect of that class or type of practice.

(3) The Justifying Authority may, subject to regulation 14(2), without receiving an application under paragraph (1), make a justification decision in respect of a new class or type of practice.

**Review of existing practices**

**10.**—(1) A person may apply to the Justifying Authority to review an existing class or type of practice if one of the conditions set out in paragraph (4) is satisfied.

(2) Having received an application under paragraph (1), the Justifying Authority [<sup>F1</sup>must], subject to regulation 14(2), consider [<sup>F2</sup>carrying out a review] and may [<sup>F3</sup>, having carried out a review,] make a new justification decision in respect of that class or type of practice.

(3) The Justifying Authority may, subject to regulation 14(2), without receiving an application under paragraph (1), review an existing class or type of practice if one of the conditions set out in paragraph (4) is satisfied and make a new justification decision in respect of that class or type of practice.

[<sup>F4</sup>(3A) The Justifying Authority must consider carrying out a review of an existing class or type of practice if the Justifying Authority becomes aware that the condition set out in paragraph (4)(a) is satisfied.]

(4) The conditions referred to in paragraphs (1) [<sup>F5</sup>, (3) and (3A)] above are that—

[<sup>F6</sup>(a) new and important evidence is acquired about the efficacy or potential consequences of—

(i) the class or type of practice; or

(ii) other techniques or technologies that have the same objective as it; or]

(b) there has been a justification decision that it is not justified.

*Status: Point in time view as at 18/04/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Justification of Practices Involving Ionising Radiation Regulations 2004, PART 3. (See end of Document for details)*

#### **Textual Amendments**

- F1** Word in reg. 10(2) substituted (18.4.2018) by The Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018 (S.I. 2018/430), regs. 1, **9(2)(a)**
- F2** Words in reg. 10(2) substituted (18.4.2018) by The Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018 (S.I. 2018/430), regs. 1, **9(2)(b)**
- F3** Words in reg. 10(2) inserted (18.4.2018) by The Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018 (S.I. 2018/430), regs. 1, **9(2)(c)**
- F4** Reg. 10(3A) inserted (18.4.2018) by The Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018 (S.I. 2018/430), regs. 1, **9(3)**
- F5** Words in reg. 10(4) substituted (18.4.2018) by The Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018 (S.I. 2018/430), regs. 1, **9(4)(a)**
- F6** Reg. 10(4)(a) substituted (18.4.2018) by The Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018 (S.I. 2018/430), regs. 1, **9(4)(b)**

#### **Conditions and consequential matters**

**11.**—(1) A justification decision may be made subject to such conditions as the Justifying Authority may consider appropriate.

(2) If the Justifying Authority in considering a justification decision determines that an existing class or type of practice is not justified he—

- (a) shall specify in the justification decision a date, which may be later than the date of the justification decision, after which persons must cease from carrying out practices of that class or type; and
- (b) may specify by notice served on an operator or any other person, steps which that person is required to take which the Justifying Authority considers appropriate as a consequence of the decision.

#### **Determination whether a practice is new or existing**

**12.**—(1) The Secretary of State may, and at the request of any other person shall, determine whether a practice belongs to a new or existing class or type of practice for the purposes of these Regulations.

(2) Any application under regulation 9 or 10 shall be deemed to include a request under paragraph (1).

**Status:**

Point in time view as at 18/04/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the The Justification of Practices Involving Ionising Radiation Regulations 2004, PART 3.