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STATUTORY INSTRUMENTS

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**2004 No. 1769**

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

**PART 5**

*Information, Consultation and Publicity*

**Inquiries and Hearings**

**17.**—(1) Without prejudice to any other power to hold an inquiry or other hearing, the Justifying Authority may cause an inquiry or other hearing to be held if it appears to him expedient to do so in connection with the exercise of any of his functions under these Regulations.

(2) In respect of any inquiry or other hearing held pursuant to paragraph (1)—

(a) if the inquiry or hearing is held in England or Wales, subsections (2) to (5) of section 250 of the Local Government Act 1972(1) (which contain supplementary provisions with respect to local inquiries held in pursuance of that section) shall apply as they apply to inquiries under that section, but as if—

(i) references to the person appointed to hold the inquiry included references to the Justifying Authority;

(ii) references to the Minister causing an inquiry to be held were references to the Justifying Authority;

(iii) the words “not being the property of a local authority” were deleted from paragraph (b) of subsection (2); and

(iv) the words “local authority or” in subsection (4) were deleted;

(b) if the inquiry or hearing is held in Scotland, subsections (2) and (4) to (8) of section 210 of the Local Government (Scotland) Act 1973(2) (which relate to the holding of local inquiries) shall apply as they apply to inquiries under that section, but as if—

(i) references to the person appointed to hold the inquiry included references to the Justifying Authority;

(ii) references to the Minister were references to the Justifying Authority; and

(iii) the words “local authority or”, “any authority or” and “that authority or” in subsection (7) were deleted;

(c) if the inquiry or hearing is held in Northern Ireland, paragraphs 1 and 3 to 8 of Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972(3) (which relate

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(1) 1972 c. 70; section 250, subsection (2) was amended by the Statute Law (Repeals) Act 1989 (c. 43) section 1 and Schedule 1; subsection (3) was amended by the Criminal Justice Act 1982 (c. 48), sections 37, 38 and 46; subsection (4) was amended by the Housing and Planning Act 1986 (c. 63), section 49(2), Schedule 12, part III.

(2) 1973 c. 65; section 210 was amended by the Criminal Procedure (Scotland) Act 1975 (c. 21), sections 289F and 289G (which were inserted into that Act by the Criminal Justice Act 1982 (c. 48), section 54) and the Housing and Planning Act 1986, Schedule 11, paragraph 39.

(3) S.I.1972/1265 (N.I. 14), amended by S.R. 1976/281 and S.I. 1984/703 (N.I. 3).

to the giving of evidence at, and the expenses incurred in relation to inquiries) shall apply as they apply in relation to an inquiry under that Schedule, but as if—

- (i) references to the person appointed to hold the inquiry included references to the Justifying Authority; and
  - (ii) references to the Ministry were references to the Justifying Authority;
- (d) the Justifying Authority shall take such steps as he considers appropriate to publish or otherwise give notice of the time and place of the inquiry or hearing to any person likely to be affected by it.