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STATUTORY INSTRUMENTS

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**2004 No. 1769**

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

**PART 8**

*Enforcement and Offences*

**Contravention Notices**

**22.**—(1) For the purposes of this regulation and of regulation 23, a “relevant breach” means a contravention of regulation 4(5), 5(3) or 20; failure to comply with any condition imposed pursuant to regulation 11(1); or failure to comply with any requirement imposed pursuant to regulation 11(2) (b) or 16(1).

(2) If the Justifying Authority is of the opinion that a person has committed a relevant breach he shall serve a notice (in these Regulations referred to as a “contravention notice”) on that person.

(3) The Justifying Authority shall give notice of any contravention notice served pursuant to paragraph (2) to—

- (a) such of the persons listed in regulation 6(1) as are not the person serving the notice;
- (b) the Health and Safety Executive;
- (c) the Food Standards Agency;
- (d) the National Radiological Protection Board;
- (e) where the class or type of practice involves a radioactive substance, the Environment Agency and the Scottish Environment Protection Agency; and
- (f) any other person he considers appropriate.

(4) The contravention notice shall—

- (a) state that the Justifying Authority is of the opinion that the person has committed a relevant breach;
- (b) specify the matters constituting the contravention or failure to comply;
- (c) specify the steps that must be taken to remedy the contravention or failure to comply;
- (d) specify the period within which those steps must be taken;
- (e) specify the date on which the notice is to take effect;
- (f) invite the person upon whom the notice is served to notify the Justifying Authority within 14 days of any grounds upon which the notice ought to be varied or withdrawn under paragraph (5); and
- (g) not take effect before 28 days after the date of service of the notice, unless in the opinion of the Justifying Authority it is necessary for the notice to have immediate effect or otherwise to be expedited.

(5) The Justifying Authority may vary or withdraw any contravention notice by serving a further notice; and paragraph (3) and, in the case of a variation, paragraph (4) shall apply to that notice.