
EXPLANATORY NOTE

(This note is not part of the Regulations)

By these Regulations the Secretary of State makes a justification decision in accordance with the Justification of Practices Involving Ionising Radiation Regulations 2004 ([S.I. 2004/1769](#)) (“the 2004 Regulations”). The 2004 Regulations implement Article 6(1) and (2) of Council Directive 96/29/Euratom (OJ No L 159, 29.6.1996, p 1) laying down basic safety standards for the protection of health of workers and the general public against the dangers arising from ionising radiation.

The 2004 Regulations prohibit the carrying out of new classes or types of practice involving ionising radiation. A class or type of practice is “new” where no practice within that class or type of practice was carried out in the United Kingdom before 13th May 2000 and no justification decision has been made that that class or type of practice is justified. Where the Secretary of State has determined that a class or type of practice is new and the Justifying Authority (defined in regulation 6 of the 2004 Regulations) is satisfied that the new class or type of practice is justified by the economic, social and other benefits in relation to the health detriments, the Authority must make a decision to that effect (a justification decision) in the form of regulations (regulation 14 of the 2004 Regulations).

Regulation 2 of these Regulations sets out relevant definitions, including the class or type of practice known as the EPR practice. The Secretary of State is the Justifying Authority in relation to that class or type of practice and has previously determined that the EPR practice is a new class or type of practice. Under regulation 3, the Secretary of State makes a justification decision that the EPR practice, or a class or type of practice which is both a development of the EPR practice and so similar to it that the balance of benefits and detriments does not materially differ, is justified for the purposes of Article 6(1) of Council Directive 96/29/Euratom.

Regulation 4 sets out matters to which the justification decision in regulation 3 does not extend.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.