



## IONISING RADIATION (APPLICATION) ORDER 2019

### Index

Article	Page
<b>PART 1 – INTRODUCTION</b>	<b>3</b>
1 Title .....	3
2 Commencement .....	3
3 Application .....	3
<b>PART 2 – MODIFICATION OF THE IONISING RADIATIONS REGULATIONS 2017</b>	<b>4</b>
4 General modifications .....	4
5 Preamble modified .....	4
<i>Part 1 modified</i>	<b>4</b>
6 Regulation 1 modified .....	4
7 Regulation 2 modified .....	4
8 Regulation 3 modified .....	6
9 Regulation 3A inserted .....	7
10 Regulation 4 modified .....	7
<i>Part 2 modified</i>	<b>8</b>
11 Regulation 5 modified .....	8
12 Regulation 6 modified .....	8
13 Regulation 7 modified .....	9
14 Regulation 8 modified .....	9
15 Regulation 10 modified .....	10
16 Regulation 12 modified .....	11
<i>Part 3 modified</i>	<b>11</b>
17 Regulation 15 modified .....	11
<i>Part 4 modified</i>	<b>11</b>
18 Regulation 18 modified .....	11
<i>Part 5 modified</i>	<b>11</b>
19 Regulation 22 modified .....	11
20 Regulation 23 modified .....	11
21 Regulation 24 modified .....	12
22 Regulation 25 modified .....	12
23 Regulation 26 modified .....	12

	<b><i>Part 6 modified</i></b>	<b>12</b>
24	Regulation 31 modified .....	12
	<b><i>Part 7 modified</i></b>	<b>12</b>
25	Regulation 36 modified .....	12
26	Regulation 37 modified .....	13
27	Regulation 38 modified .....	13
28	Regulation 39 modified .....	13
29	Regulation 40 modified .....	13
30	Regulation 42 omitted.....	15
31	Regulation 43 modified .....	15
	<b><i>Schedules 1, 3, 5 and 9 modified</i></b>	<b>16</b>
32	Schedule 1 modified.....	16
33	Schedule 3 modified.....	16
34	Schedule 5 modified.....	16
35	Schedule 8 modified.....	16
36	Schedule 9 omitted.....	18
	<b>PART 3 – CONSEQUENTIAL AMENDMENTS TO THE HEALTH AND SAFETY AT WORK ORDER 1998</b>	<b>18</b>
37	Consequential amendments to the Health and Safety at Work Order 1998 .....	18

Statutory Document No. 2019/0281

*Health and Safety at Work, Etc., Act 1977*

## IONISING RADIATION (APPLICATION) ORDER 2019

*Approved by Tynwald:* 17<sup>th</sup> July 2019  
*Coming into Operation:* 1st August 2019

The Department of Environment, Food and Agriculture makes the following Order, following consultation with such organisations as it considers represent interests which will be affected by the Order<sup>1</sup>, under section 1(1)(b) and (d) of the Health and Safety at Work, Etc., Act 1977.

### PART 1 – INTRODUCTION

#### 1 Title

This Order is the Ionising Radiation (Application) Order 2019.

#### 2 Commencement

If approved by Tynwald, this Order comes into operation on 1st August 2019.<sup>2</sup>

#### 3 Application

- (1) The Ionising Radiations Regulations 2017<sup>3</sup> of Parliament (“the Regulations”) apply as part of the law of the Island, subject to the modifications in Part 2.
- (2) This Order applies to all places within the Island.

<sup>1</sup> As required by section 1(4) of the Health and Safety at Work, Etc., Act 1977.

<sup>2</sup> Tynwald approval required under section 1(5) of the Health and Safety at Work, Etc., Act 1977.

<sup>3</sup> SI 2017 No. 1075 as amended by SI 2017 No. 1322, SI 2018 No. 390, SI 2019 No. 703 and Scottish SI 2018 No. 219.

## PART 2 – MODIFICATION OF THE IONISING RADIATIONS REGULATIONS 2017

### 4 General modifications

Throughout the Regulations –

- (a) in each place it appears, for “appropriate authority”, substitute **“Department”**; and
- (b) in each place it appears, for “Executive”, substitute **“Department”**.

### 5 Preamble modified

(1) In the Index –

- (a) for “Equipment used for medical exposure”, substitute **“[Omitted]”**;
- (b) for “Extension outside Great Britain”, substitute **“Work undertaken in the territorial sea of the Island”**;
- (c) for “revocation”, substitute **“revocations”**;
- (d) for “Review”, substitute **“Power to issue directions”**; and
- (e) omit “Schedule 9 – Modifications”

(2) Omit the three paragraphs after the Index.

### *Part 1 modified*

### 6 Regulation 1 modified

In regulation 1 (citation and commencement), for paragraph (2), substitute –

- “(2) These Regulations come into operation on 1 August 2019.”**

### 7 Regulation 2 modified

In regulation 2(1) (interpretation)–

- (a) for the definition of “the 1974 Act”, substitute –
  - “the 1974 Act” means the Health and Safety at Work etc. Act 1974 as it applies in the Island by virtue of an order made under section 1 of the Health and Safety at Work, Etc., Act 1977;**
- (b) for the definition “appointed doctor”, substitute –
  - “appointed doctor” means a registered medical practitioner who meets such recognition criteria as may from time to time be specified in writing by the Department;**

- (c) for the definition of “approved”, substitute —
- ☒ **“approved”** means, unless specified otherwise, approved for the time being in writing by the Department and (where appropriate) published in such form as the Department considers appropriate;☒;
- (d) for the definition of “classified person”, substitute —
- ☒ **“classified person”** means —
- (a) a person designated as such by the employer pursuant to regulation 21(1); or
- (b) in the case of a classified outside worker employed by an undertaking in Great Britain, Northern Ireland or in a member State other than the United Kingdom, a person who has been designated as a Category A exposed worker within the meaning of Article 40 of the Directive;☒;
- (e) for the definition of “controlled area”, substitute —
- ☒ **“controlled area”** means —
- (a) in the case of an area situated in the Island, an area which has been so designated in accordance with regulation 17(1);
- (b) in the case of an area situated in Great Britain, an area which has been so designated in accordance with regulation 17(1) of the GB regulations;
- (c) in the case of an area situated in Northern Ireland or in a member State other than the United Kingdom, an area subject to special rules for the purposes of protection against ionising radiation and to which access is controlled as specified in Article 37 of the Directive;☒;
- (f) for the definition of “employment medical adviser”, substitute —
- ☒ **“employment medical adviser”** means an employment medical adviser appointed under the Health and Safety at Work etc. Act 1974 (of Parliament) as it is in operation from time to time in the United Kingdom☒;
- (g) after the definition of “extremities”, insert —
- ☒ **“GB regulations”** means the Ionising Radiations Regulations 2017 as they are in operation in Great Britain from time to time;
- “Health and Safety Tribunal”** means a tribunal constituted for the purposes of the Health and Safety at Work etc. Act 1974 as applied to the Island;☒;
- (h) after the definition of “ionising radiation”, insert —
- ☒ **“Island”** has the meaning given in the Interpretation Act 2015;☒;

- (i) omit the definitions of—
- (i) “nuclear warship site”; and
  - (ii) “the ONR”;
- (j) for the definition of “radiation passbook”, substitute —
- “radiation passbook”** means —
- (a) in the case of a classified outside worker employed by an employer in the Island, a passbook approved by the Department for the purpose of these Regulations; and
  - (b) in the case of a classified outside worker employed by an employer in Great Britain or Northern Ireland or in a member State other than the United Kingdom, a passbook authorised by the competent authority for Great Britain, Northern Ireland or that member State, as the case may be;
- (k) for the definition of “radiation protection adviser”, substitute —
- “radiation protection adviser”** means an individual who, or a body which, meets such criteria of competence as may from time to time be specified in writing by the Department;
- (l) for the definition of “transport”, substitute —
- “transport”** means, in relation to a radioactive substance, carriage of that substance on a road within the meaning of the Road Traffic Act 1985 or through another public place (whether on a conveyance or not), or by rail, inland waterway, sea or air and, in the case of transport on a conveyance, a substance is deemed as being transported from the time that it is loaded onto the conveyance for the purpose of transporting it until it is unloaded from that conveyance, but a substance is not to be considered as being transported if —
- (a) it is transported by means of a pipeline or similar means; or
  - (b) it forms an integral part of a conveyance and is used in connection with the operation of that conveyance.

## 8 Regulation 3 modified

In regulation 3 (application), for paragraph (5), substitute —

- (5)** In the case of a classified outside worker (working in a controlled area situated in the Island) employed by an employer established in Great Britain, Northern Ireland or in a member State other than the United Kingdom, it is sufficient compliance with regulation 22 (dose assessment

and recording) and regulation 25 (medical surveillance) if the employer complies with –

- (a) where the employer is established in Great Britain, regulations 22 and 25 of the GB regulations;
- (b) where the employer is established in Northern Ireland, regulations 21 and 24 of the Ionising Radiations Regulations (Northern Ireland) 2000, as it is in operation from time to time, or any other provision made for the purpose of implementing the relevant parts of Chapter VI of the Directive in Northern Ireland; or
- (c) where the employer is established in a member State other than the United Kingdom, the legislation in that State implementing the relevant parts of Chapter VI of the Directive where such legislation exists. ~~22~~;

## 9 Regulation 3A inserted

After regulation 3 (application), insert –

### 3A Prohibition of construction for the production or use of atomic energy, etc.

The construction of any nuclear premises, defence sites, build sites or warship sites, or any installation designed or adapted for –

- (a) the production or use of atomic energy;
- (b) the carrying out of any process which is preparatory or ancillary to the production or use of atomic energy and which involves or is capable of causing the emission of ionising radiations; or
- (c) the storage, processing or disposal of nuclear fuel or of bulk quantities of other radioactive matter, being matter which has been produced or irradiated in the course of the production or use of nuclear fuel,

is not permitted in the Island. ~~22~~.

## 10 Regulation 4 modified

(1) In regulation 4 (duties under the Regulations) –

- (a) omit paragraph (3); and
- (b) for paragraph (4), substitute –

~~22~~(4) In this regulation –

- (a) “mine operator” means —
  - (i) in relation to a mine, the person who is in control of the operation of the mine; and
  - (ii) in relation to a mine which is to be constructed or operated, the person who proposes to control its operation or (if that person is not known) the person who in the course of a trade, business or other undertaking carried on by that person has commissioned its design and construction; and
- (b) “operator”, in relation to a quarry, means the person in overall control of the working of the quarry. **22**.

*Part 2 modified*

## 11 Regulation 5 modified

In regulation 5 (notification of certain work)—

- (a) omit paragraph (1)(c); and
- (b) omit paragraph (6).

## 12 Regulation 6 modified

In regulation 6 (registration of certain practices) —

- (a) omit paragraphs (2)(c) and (d);
- (b) in paragraph (3), omit “paragraph 5 of”;
- (c) in paragraph (7), —
  - (i) for “appropriate authority”, substitute **23** Department **22**; and
  - (ii) for “Secretary of State”, substitute **23** Health and Safety Tribunal **22**;
- (d) for paragraph (8), substitute —
  - 23**(8) Section 44 of the 1974 Act applies for the purposes of paragraph (7) as it applies to an appeal under section 44(1) of that Act. **22**;
- (e) for paragraph (9), substitute —
  - 23**(9) The Health and Safety (Improvement and Prohibition Notices and Licence Appeals to Industrial Tribunal) Rules



1981<sup>4</sup> apply to an appeal under paragraph (7) as they apply to an appeal under sub-section (1) of section 44 of the 1974 Act. ~~22~~; and

- (f) omit paragraph (10).

### 13 Regulation 7 modified

In regulation 7 (consent to carry out specified practices)—


- (a) in paragraph (1)(h), omit “but not any such facility situated on a site licensed under section 1 of the Nuclear Installations Act 1965”;
- (b) in paragraph (6), for “Secretary of State”, substitute ~~23~~ Health and Safety Tribunal ~~24~~;
- (c) in paragraph (7), for “Sub-sections (2) to (6) of section 44 of the 1974 Act apply” substitute ~~25~~ Section 44 of the 1974 Act applies ~~26~~; and
- (d) omit paragraph (9).

### 14 Regulation 8 modified

In regulation 8 (radiation risk assessments), for paragraph (4), substitute —



- ~~27~~(4) In completing the risk assessment required by paragraph (1), the following matters must be considered, where they are relevant —
- (a) the nature of the sources of ionising radiation to be used, or likely to be present, including accumulation of radon in the working environment;
- (b) estimated radiation dose rates to which anyone can be exposed;
- (c) the likelihood of contamination arising and being spread;
- (d) the results of any previous personal dosimetry or area monitoring relevant to the proposed work;
- (e) advice from the manufacturer or supplier of equipment about its safe use and maintenance;
- (f) engineering control measures and design features already in place, or planned;
- (g) any planned systems of work;
- (h) estimated levels of airborne and surface contamination likely to be encountered;
- (i) the effectiveness and the suitability of personal protective equipment to be provided;

<sup>4</sup> GN 201/81.

- (j) the extent of unrestricted access to working areas where dose rates or contamination levels are likely to be significant;
  - (k) possible accident situations, their likelihood and potential severity;
  - (l) the consequences of possible failures of control measures – such as electrical interlocks, ventilation systems and warning devices – or systems of work; and
  - (m) steps to prevent identified accidents, or limit their consequences.
- (5) The risk assessment must be documented and available for inspection by the Department on request.
- (6) Where the assessment made for the purposes of this regulation shows that a radiation risk to employees or other persons exists from an identifiable radiation accident, the employer who is subject to the obligation in paragraph (1) to make the risk assessment must take all reasonably practicable steps to –
- (a) prevent any such accident;
  - (b) limit the consequences of any accident which does occur; and
  - (c) provide employees with the information, instruction, training and equipment necessary to restrict their exposure to ionising radiation.
- (7) The requirements of this regulation are without prejudice to the requirements of regulation 3 (risk assessment) of the Management of Health and Safety at Work Regulations 2003<sup>5</sup>. .

## 15 Regulation 10 modified

In regulation 10 (personal protective equipment), for paragraphs (1) to (3), substitute –

-  (1) Any personal protective equipment, including respiratory protective equipment provided by an employer pursuant to regulation 9, must be suitable and sufficient for its purpose and for the individual who will be using it.
- (2) Every employer who provides personal protective equipment pursuant to regulation 9 must ensure that adequate facilities are provided for the storage of that equipment. .

<sup>5</sup> SD 877/03

**16 Regulation 12 modified**

In regulation 12 (dose limitation), in paragraph (4), omit the definition of “appropriate authority”.

*Part 3 modified*

**17 Regulation 15 modified**

In regulation 15 (information, instruction and training), in paragraph (1)(c), omit the word “female”.

*Part 4 modified*

**18 Regulation 18 modified**

In regulation 18 (local rules and radiation protection supervisors), after paragraph (5)(c), insert —

- (d) make the local rules available for inspection to the Department upon request.

*Part 5 modified*

**19 Regulation 22 modified**

In regulation 22 (dose assessment and recording)—

- (a) In paragraph (2)(d) for “send”, substitute “provide”;
- (b) in paragraph (2)(i), for “Northern Ireland or another member State”, substitute “Great Britain, Northern Ireland or a member State other than the United Kingdom”;
- (c) after paragraph (3), insert —
- (3A) Where it is not possible for the approved dosimetry service to provide, as required, copies of the records referred to in paragraph (3)(d), (e) and (f) to the Department the employer must provide such copies. and
- (d) omit paragraph (8).

**20 Regulation 23 modified**

In regulation 23 (estimated and notional doses and special entries), omit paragraph (9).

**21 Regulation 24 modified**

In regulation 24 (dosimetry for accidents), omit paragraph (3).

**22 Regulation 25 modified**

(1) In regulation 25 (medical surveillance) —

(a) for paragraph (8), substitute —

**(8)** Where an employee is aggrieved by a decision recorded in the health record by a relevant doctor the employee may, by an application in writing to the appointing body of the relevant doctor made within 28 days of the date on which the employee was notified of the decision, apply for that decision to be reviewed in accordance with a procedure approved for the purposes of this paragraph by the appointing body. **(2)**; and

(b) after paragraph (8), insert —

**(9)** Where the Department is the appointing body of the relevant doctor and undertakes a review pursuant to paragraph (8) the result of that review must be notified to the employee and entered in the employee's health record in accordance with the approved procedure. **(2)**.

**23 Regulation 26 modified**

In regulation 26 (investigation and notification of overexposure), omit paragraph (4).

*Part 6 modified*

**24 Regulation 31 modified**

In regulation 31 (notification of certain occurrences), omit paragraphs (2) and (6).

*Part 7 modified*

**25 Regulation 36 modified**

In regulation 36 (approval of dosimetry services) —

(a) in paragraphs (1) and (3), omit “(or such other person as may from time to time be specified in writing by the Executive)”; and

(b) in paragraph (1), omit “or of the Radiation (Emergency Preparedness and Public Information) Regulations 2019”.

**26 Regulation 37 modified**

In regulation 37 (defence on contravention) —

- (a) in paragraph (7), for “prosecutor” substitute **63** Attorney General **62**; and
- (b) omit paragraph (9).

**27 Regulation 38 modified**

In regulation 38 (exemption certificates), omit paragraph (3).

**28 Regulation 39 modified**

For regulation 39 (extension outside Great Britain) substitute —

**63 39 Work undertaken in the territorial sea of the Island**

- (1) Subject to paragraph (2), these Regulations apply to any work undertaken on, in, under or above the territorial sea of the Island<sup>6</sup>.
- (2) 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, due to the work being undertaken on, in, under or above the territorial sea of the Island, 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. **62**.

**29 Regulation 40 modified**

In regulation 40 (modifications relating to the Ministry of Defence etc), for paragraphs (1) to (10), substitute —


- 63**(1) Any exemption by the Secretary of State for Defence under regulation 40(2) of the GB regulations from all or any of the requirements or prohibitions imposed by those Regulations applies in the Island insofar as it affects work or practices being carried out —
  - (a) in the Island; or
  - (b) by employers established in the Island,but only to the extent specified in the relevant exemption.
- (2) Regulations 5, 6 and 7 do not apply in relation to work carried out by visiting forces or any headquarters or organisation on premises

<sup>6</sup> See the Interpretation Act 2015 for the meaning of the “territorial sea of the Island”.

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.

- (3) With respect to any work with ionising radiation undertaken in the Island 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 Department only apply in relation to the particulars that may be so specified from the list set out in paragraph (8);
  - (b) any requirement to provide any of the particulars described in paragraphs (8)(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 Department.
- (4) Regulation 5(4) does not apply to an employer in relation to work with ionising radiation undertaken in the Island for or on behalf of the Secretary of State for Defence, visiting forces or any headquarters or organisation.
- (5) Sub-paragraph (i) of regulation 22(3) does not apply in relation to a practice carried out in the Island —
- (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.
- (6) 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 in the Island.
- (7) In regulation 26(1) the requirement to notify the Department 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.
- (8) The particulars referred to in paragraph (3) are —
- (a) the name, address, telephone number and email 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 email 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.

- (9) In this regulation “visiting forces” and “headquarters or organisation” have the meanings given in regulation 40(1) of the GB regulations. .


### 30 Regulation 42 omitted

Omit regulation 42 (modifications and revocation).

### 31 Regulation 43 modified

For regulation 43 (review), substitute —

#### Power to issue directions

- 43. The Department may issue to any person carrying out or proposing to carry out any work to which these regulations apply appropriate directions for the protection of any person employed or engaged in such work, and it shall be the duty of the person to whom such directions are issued to comply with those directions. .

*Schedules 1, 3, 5 and 9 modified***32 Schedule 1 modified**

- (1) Schedule 1 (work not required to be notified under regulation 5) to the Regulations is modified as follows.
- (2) In paragraph 4, for “regulation 4(4) of the Justification of Practices Involving Ionising Radiation Regulations 2004”, substitute **5** regulation 3 of the Ionising Radiation (Basic Safety Standards and Justification of Practices) Regulations 2019<sup>7</sup> **5**.
- (3) For paragraph 5, substitute —  
**5**5. In this Schedule “relevant environmental body” means the Environmental Protection Unit of the Department. **5**.

**33 Schedule 3 modified**

- (1) Schedule 3 (dose limits) to the Regulations is modified as follows.
- (2) In paragraph 18, for “Secretary of State”, substitute **5** Health and Safety Tribunal **5**.
- (3) In paragraph 19, for “Sub-sections (2) to (6) of section 44 of the 1974 Act apply” substitute **5** Section 44 of the 1974 Act applies **5**.
- (4) For paragraph 20, substitute —  
**5**20. The Health and Safety (Improvement and Prohibition Notices and Licence Appeals to Industrial Tribunal) Rules 1981 apply to an appeal under paragraph (18) as they apply to an appeal under sub-section (1) of section 44 of the 1974 Act. **5**.
- (5) Omit paragraph 21.

**34 Schedule 5 modified**

- (1) Schedule 5 (particulars to be entered in the radiation passbook) to the Regulations is modified as follows.
- (2) For paragraph 2, substitute —  
**5**2. A statement by the Department or the authority that approved the passbook that it has been approved by them. **5**.

**35 Schedule 8 modified**

In Schedule 8 (transitional provisions and savings), for paragraphs 1 to 10, substitute —

---

<sup>7</sup> SD 2019/0283



1. An employer carrying out relevant work immediately before the date these Regulations come into operation must make all necessary submissions under regulations 5, 6 and 7 within the period of 4 months following that date.
2. Subject to compliance with these Regulations and in particular paragraph 1, an employer may continue such relevant work unless the Department provides notice that the relevant work must cease.
3. Where the Department receives a submission it must provide a receipt to the employer within 5 working days of receiving a submission. A submission is only deemed to have been received by the Department when a receipt for it has been provided to an employer by the Department.
4. After consideration of a submission made pursuant to regulation 5 the Department may provide to the employer either —
  - (a) a receipt;
  - (b) a request for further information; or
  - (c) a notice including directions to or conditions on the employer.
5. After consideration of a submission made pursuant to regulation 6 the Department must either —
  - (a) issue a registration of the practice;
  - (b) provide a notice confirming the decision of the Department refusing to issue a registration; or
  - (c) provide a request for further information.to the employer.
6. After consideration of a submission made for the purposes of regulation 7 the Department must provide to the employer either —
  - (a) a notice confirming that consent has been granted;
  - (b) a notice confirming the decision of the Department refusing to grant consent; or
  - (c) a request for further information.
7. A notice under paragraph 4(c) may include —
  - (a) directions to the employer including (but not limited to) the cessation of the relevant work; and
  - (b) conditions on the employer as to the carrying out of the relevant work (which may include a limit of time).
8. This Schedule is without prejudice to any power of the Department under the 1974 Act.

9. In this Schedule —
- “relevant work” means any work or practices to which regulations 5, 6 and 7 apply; and
- “submission” means —
- (a) a notification pursuant to regulation 5;
  - (b) an application for registration pursuant to regulation 6; or
  - (c) an application for consent pursuant to regulation 7,
- made by an employer, to the Department, under the transitional provisions set out in this Schedule. **22**.

### 36 Schedule 9 omitted

Schedule 9 (modifications) is omitted.

## PART 3 – CONSEQUENTIAL AMENDMENTS TO THE HEALTH AND SAFETY AT WORK ORDER 1998

### 37 Consequential amendments to the Health and Safety at Work Order 1998

- (1) The Health and Safety at Work Order 1998<sup>8</sup> is amended as follows.
- (2) In the Schedule, in Part 2 (specific modifications), in the modifications to section 53 (interpretation) —
  - (a) in sub-section (1)(e), for the definition of “ionising radiations” substitute —
 

**22** “ionising radiation” means the transfer of energy in the form of particles or electromagnetic waves of a wavelength of 100 nanometres or less or a frequency of  $3 \times 10^{15}$  hertz or more capable of producing ions directly or indirectly; **22**; and
  - (b) in sub-section (1)(f), for the definition of “radioactive substance” substitute —
 

**22** “radioactive substance” means any substance which contains one or more radionuclides whose activity cannot be disregarded for the purposes of radiation protection; **22**.

<sup>8</sup> SD 155/98 as amended by SD984/07

(3) In Schedule 10, at the end of the table insert —

66

AT 5 of 1968	Ionising Radiations (Protection of Workers) Act, 1968	Entirety of the Act.
--------------	---	----------------------

67.

**MADE 19 JUNE 2019**

**GEOFFREY BOOT**

*Minister for Environment, Food and Agriculture*

### *EXPLANATORY NOTE*

*(This note is not part of the Order)*

This Order applies the United Kingdom’s Ionising Radiations Regulations 2017 (as amended) (“the Regulations”) to the Island subject to the modifications set out in the Order.

The application of the Regulations implements provisions of Council Directive 2013/59/Euratom<sup>9</sup> laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation and repealing Directives 89/618/Euratom<sup>10</sup>, 90/641/Euratom<sup>11</sup>, 96/29/Euratom<sup>12</sup>, 97/43/Euratom<sup>13</sup> and 2003/122/Euratom<sup>14</sup> (“the Directive”) which is an obligation for the Island under Protocol 3.

The Regulations as applied may be read in conjunction with the Health and Safety Executive’s ‘Work with ionising radiation, Ionising Radiations Regulations 2017, Approved Code of Practice and guidance’ (the ACOP)<sup>15</sup>.

This Order makes consequential amendments to the Health and Safety at Work Order 1998 (the “1998 Order”), which applies certain provisions of the Health and Safety at Work etc. Act 1974 to the Island. The amendments made update the definitions of “ionising radiations” and “radioactive substance” in section 53 of that Act as it applies to the Island and the repeal of the Ionising Radiations (Protection of Workers) Act, 1968.

The Annex to this Order sets out the Regulations as they are applied to the Island, including all modifications.

#### **Offences**

Contravention of the applied Regulations is an offence under section 33 of the Health and Safety at Work etc. Act 1974, as it is applied to the Island, the penalty for which is an unlimited fine (on conviction on information) or a maximum fine of £20,000 (on summary conviction) or both.

---

<sup>9</sup> OJ L 013, 17.1.2014, p. 1.

<sup>10</sup> OJ L 357, 7.12.1989, p. 31.

<sup>11</sup> OJ L 349, 13.12.1990, p. 21.

<sup>12</sup> OJ L 159, 29.6.1996, p. 1.

<sup>13</sup> OJ L 180, 9.7.1997, p. 22.

<sup>14</sup> OJ L 346, 31.12.2003, p. 57.

<sup>15</sup> ISBN 978 0 7176 6662 1