STATUTORY RULES OF NORTHERN IRELAND

2010 No. 29

HEALTH AND SAFETY

The Ionising Radiation (Medical Exposure) (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*9th February 2010*
Coming into operation -	*15th March 2010*

The Department of Health, Social Services and Public Safety (**a**), being a Department designated (**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**), in relation to the making of safety measures in regard to radioactive substances and the emission of ionising radiation, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Ionising Radiation (Medical Exposure) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on the 15th March 2010.

Interpretation

2. In these Regulations "the 2000 Regulations" means The Ionising Radiation (Medical Exposure) Regulations (Northern Ireland) 2000(**d**).

Amendment of the 2000 Regulations

3.—(1) The 2000 Regulations are amended as provided by paragraphs (2) to (5).

(2) In regulation 2 (interpretation) in paragraph (1)—

(a) after the definition of "adequate training" insert the following definition—

""appropriate authority" means the Regulation and Improvement Authority;";

(b) after the definition of "equipment" insert the following definition—

""ethics committee" means:

(a) an ethics committee established or recognised in accordance with Part 2 of the Medicines for Human Use (Clinical Trials) Regulations 2004(**e**);

(b) any other committee established to advise on the ethics of research investigations in human beings, and recognised for that purpose by or on behalf of the Department;";

(**a**) See S.I. 1999/283 (N.I.1)
(**b**) S.I. 1977/1718
(**c**) 1972 c.68
(**d**) S.R. 2000 No194
(**e**) S.I. 2004/1031

(c) in the definition of "practitioner", for "medical practitioner, dental practitioner or other health professional" substitute "health care professional";

(d) in the definition of "referrer" for "medical practitioner, dental practitioner or other health professional" substitute "health care professional";

(e) after the definition of "referrer" insert the following definition—

""registered health care professional" means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(**a**).";

(f) the definitions of "registered dental practitioner" and "registered medical practitioner" are omitted.

(g) after the definition of "registered healthcare professional" insert the following definition—

""Regulation Improvement Authority" means the Health and Social Care Regulation and Quality Improvement Authority established under Article 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**b**)."

(3) In regulation 6 (justification of individual medical exposures), in paragraph (1)(c), for "a Local Research Ethics Committee" substitute "an ethics committee".

(4) In regulation 11 (training), in paragraph (4), after "record of" insert "all training undertaken by";

(5) In regulation 12 (enforcement), in paragraph (2) for "the Department" substitute "the appropriate authority".

Transitional provisions

4. The Department of Health, Social Services and Public Safety shall continue to be the appropriate authority in respect of—

(a) any notification, before the coming into operation of regulation 3(2)(a), of an incident by an employer under regulation 4(5) of the 2000 Regulations; and

(b) any investigation, proceedings or other matter, including an appeal in relation to such matters, which has not been completed or finally disposed of before the coming into operation of regulation 3(2)(a) and the appointment of and exercise of functions by inspectors in relation to such matters.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 9th February 2010

L.S.

David Galloway
A senior officer of the Department of Health Social Services and Public Safety

(**a**) 2002 (c.17)
(**b**) S.I. 2003/431 (N.I.9), *see also section 1(2) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c.1)*

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Ionising Radiation (Medical Exposure) Regulations (Northern Ireland) 2000 ("the 2000 Regulations") including clarification and updating of certain references. The 2000 Regulations partially implement, as respects Northern Ireland, Council Directive 97/43/Euratom (OJ No L180, 9.7.97, p 22) on health protection of individuals against the dangers of ionising radiation in relation to medical exposure.

Regulation 3(2)(a) inserts a definition of "appropriate authority".

Regulation 3(2)(b) inserts a definition of "ethics committee".

Regulation 3(2)(c) and (d) amends the definitions of "practitioner" and "referrer".

Regulation 3(2)(e) inserts a definition of "registered health care professional".

Regulation 3(2)(f) removes the definitions of "registered dental practitioner" and "registered medical practitioner".

Regulation 3(2)(g) inserts a definition of "Regulation Improvement Authority".

Regulation 3(4) clarifies that the word "record" in regulation 11(4) of the 2000 Regulations refers to the record of training undertaken (which the employer is required to keep and have available for inspection by the appropriate authority).

Regulation 3(5) replaces the Department as the enforcing authority for the purposes of the 2000 Regulations with the appropriate authority.

Regulation 4 is a transitional provision in relation to incomplete investigations, proceedings, appeals and other matters including notifications, under regulation 4(5) of the 2000 Regulations by employers, of incidents of overexposure. It provides for the Department of Health, Social Services and Public Safety to continue to be the appropriate authority for such matters.

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