



RPS Update Note 23/2-01

The Ionising Radiations Regulations 2017

Reg 7 : HSE Consent - The New System

21 February 2023

Background

As you will know, before commencing work, the IRR17 require employers working with radioactive sources or X-rays to apply to the HSE for Notification, Registration or Consent depending on the specific practice they undertake. Broadly this graded approach equates to low risk, medium risk and high risk activities.

Consent is required for any high risk activity which falls into one of the following categories:

- The deliberate administration of radioactive substances to persons and animals for the purpose of medical or veterinary diagnosis, treatment or research.
- The deliberate addition of radioactive substances in the production or manufacture of products, including consumer and medicinal products.
- The operation of an accelerator (except an electron microscope).
- Industrial radiography.
- Industrial irradiation.
- Any practice involving a *high-activity sealed source*.
- The operation, decommissioning or closure of any facility for the long-term storage or disposal of radioactive waste.
- Practices discharging significant amounts of radioactive material with airborne or liquid effluent into the environment

There are currently around 1800 Consents issued, the vast majority being for industrial radiography.

Industrial radiography means the use of ionising radiation for non-destructive testing purposes where an image of the item under test is formed, but excluding any such testing which is carried out in a cabinet which a person cannot enter.

All three notification categories are currently unregulated, meaning that the applicant simply has to complete the HSE on-line questionnaire and pay a fee of £25 to complete the process.

In line with recommendations by the IAEA the HSE now wish to regulate the issue of a Consent (high risk) and the new system will become effective this April (ONR Consents) and October (HSE Consents).

The new system

As currently, the employer first identifies the relevant regulator, being either the ONR (nuclear licensed sites) or HSE (civil sites).

The employer must then submit a Safety Assessment (using the relevant on-line form for your practice) for review by the regulator. HSE are emphasising that this is NOT a risk assessment. Employers will already be in possession of all the information asked for in the application form and those already complying with the IRR17 will have no difficulty completing the Safety Assessment. The only additional requirement will be a sketch plan of the work area.

A specialist radiation inspector from the ONR or HSE shall then pay a site visit to inspect how the work is conducted. Only if the review and inspection are successful will Consent then be granted.

Safety Assessment

By presenting a Safety Assessment in this way (rather than the Risk Assessment and Local Rules) the information is standardised in a format which allows the HSE to scrutinise each application. The primary purpose of the Safety Assessment is to give assurance to the regulator that compliance with the IRR17 is or can be achieved and maintained. If this is not the case then the employer faces refusal or withdrawal of the Consent which then prohibits them from carrying on the consentable practice. The threat of revocation shall therefore be the primary enforcement tool.

Who needs to apply?

The new Consent system will come into force for new Consent applications in April (ONR applications) and October (HSE applications) 2023. The exact dates are yet to be confirmed.

The person making the application must be properly authorised by their employer to do so. They will be the main point of contact for the HSE and are therefore be expected to be familiar with the practice. The RPA cannot submit the application (unless an employee of the applicant).

Existing Consent holders will be contacted (at random) within 5 years and asked to submit a Safety Assessment for review and inspection. It is likely the HSE will give 3 months for this to be prepared and submitted.

Fees

It is now Govnt policy to recover costs in this regard so this regulatory process will be charged to the employer. If the first submission of a Safety Assessment fails HSE scrutiny then the applicant will have two further attempts at a successful application. With each application the cost goes up, and early indications are that the process is likely to cost anything from £2k - £5k.

HSE guidance

This is an overview of the new requirements as presented on 16th February at an HSE event in Birmingham. We await the guidance promised by the HSE before we can provide further information.
