

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS) REGULATIONS, 1995

1995-09

**Revoked
Subsidiary
1995/081**

Regulations made under s.2.

IONISING RADIATION (OUTSIDE WORKERS) REGULATIONS, 1995

Revoked by LN. 2004/088 as from 13.9.2004

(LN. 1995/081)

15.6.1995

Amending enactments	Relevant current provisions	Commencement date
1995/091 r.1		15.6.1995

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title and commencement.
2. Interpretation.
3. Application.
4. Duties of the outside undertaking.
5. Radiation passbooks.
6. Duties of the operator.
7. Duties of the outside worker.
8. Offences.
9. Defences under these regulations.
10. Offences by bodies corporate.
11. Civil liability.
12. Application of certain provisions of the Ionising Radiations Regulations 1995.
13. Charges by the Government.
14. Transitional provisions.

SCHEDULE.

Particulars to be entered in the radiation passbook.

1995-09
Revoked
Subsidiary
1995/081

Health Protection (Ionising Radiation)
IONISING RADIATION (OUTSIDE WORKERS)
REGULATIONS, 1995

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS)
REGULATIONS, 1995

1995-09

Revoked
Subsidiary
1995/081

1995-09
Revoked
Subsidiary
1995/081

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS) REGULATIONS, 1995

Title and commencement.

1. These regulations may be cited as the Ionising Radiation (Outside Workers) Regulations, 1995 and shall come into effect on 15th June 1995.

Interpretation.

2.(1) In these regulations, unless the context shall otherwise require—

“activities” means any service provided by an outside worker in a controlled area for which the operator is responsible;

“the Basic Safety Standards Directive” means Council Directive 80/836/Euratom laying down the basic safety standards for the protection of the health of workers and the general public against dangers from ionising radiation as amended by Council Directive 84/467/Euratom;

“classified person” means —

- (a) in the case of a person employed by an outside undertaking in Gibraltar, a person who has been designated as a classified person under regulation 9 of the Ionising Radiations Regulations 1995; or
- (b) in the case of a person employed by an outside undertaking in any part of the United Kingdom or in another member State, a person who has been designated as a Category A exposed worker within the meaning of Article 23 of the Basic Safety Standards Directive;

“competent authority” in relation to the competent authority of any part of the United Kingdom or of another member State means the authority empowered to enforce the basic safety standards for the health protection of workers against dangers from ionising radiation in that part of the United Kingdom or in that member State;

“controlled area” means —

- (a) in the case of an area situated in Gibraltar an area which has been designated as a controlled area under regulation 8 of the Ionising Radiations Regulations 1995; or
- (b) in the case of an area situated in any part of the United Kingdom or in another member State, an area subject to special

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS) REGULATIONS, 1995

1995-09

**Revoked
Subsidiary
1995/081**

rules for the purposes of protection against ionising radiation and to which access is controlled as specified in Article 20 of the Basic Safety Standards Directive;

“dose assessment” means the dose assessment made and recorded by an approved dosimetry service in accordance with regulation 13 of the Ionising Radiations Regulations 1995;

“dose estimate” means the estimate of the dose received by the outside worker made by the operator in accordance with regulation 6(2)(b);

“member State” means a member State of the Communities;

“operator” means a person in a member State who is responsible for an area which is or is required to be designated as a controlled area and is —

- (a) in the case of an area situated in Gibraltar an area in which there is carried out work with ionising radiation which is required to be notified under regulation 5 of the Ionising Radiations Regulations 1995 or would be so notifiable if it were not excluded by regulation 5(1)(b) of those regulations; or
- (b) in the case of an area situated in any part of the United Kingdom or in another member State, an area in which there is carried out an activity that is required to be reported under Article 3 of the Basic Safety Standards Directive;

“outside undertaking” means the employer established in a member State of the Communities of a classified person who undertakes activities of any sort in the controlled area of an operator (other than itself);

“outside worker” means a classified person employed by an outside undertaking who undertakes activities of any sort in the controlled area of any operator (other than that of the outside undertaking which employs him);

“radiation passbook” means —

- (a) in the case of an outside worker employed by an outside undertaking in Gibraltar, a passbook approved for the purpose of these regulations by or on behalf of the Government; or
- (b) in the case of an outside worker employed by an outside undertaking in any part of the United Kingdom or another member State, a passbook authorised by the competent

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS) REGULATIONS, 1995

authority for that part of the United Kingdom or for that member State, as the case may be.

(2) Except where otherwise specifically provided for in these regulations, regulation 2 of the Ionising Radiations Regulations 1995 (Interpretation) shall apply to these regulations.

(3) In these regulations unless the context otherwise requires any reference to —

- (a) an employer includes a reference to a self employed person and any duty imposed by these regulations on an employer shall extend to a self-employed person; and
- (b) an employee includes a reference to a self-employed person.

(4) A reference in these regulations to the Government shall, where the Government has by notice in the Gazette appointed a person to be the competent authority for the purposes or one or more of the purposes of these regulations and to the extent of that appointment, be deemed to be a reference to that person, and not to be a reference to the Government.

Application.

3.(1) Without prejudice to the requirements of regulation 4 of the Ionising Radiations Regulations, 1995 (co-operation between employers), regulation 6(1)(b) of these regulations (duties of the operator) shall not apply in relation to an outside worker who enters a controlled area of the operator in the exercise of powers conferred on him by any statutory provision.

(2) In the case of an outside worker (working in a controlled area situated in Gibraltar) employed by an outside undertaking established in any part of the United Kingdom or another member State, it shall be a sufficient compliance with regulation 13 (dose assessment) and regulation 16 (medical surveillance) of the Ionising Radiations Regulations 1995 if the outside undertaking complies with the legislation in that part of the United Kingdom or that State implementing Chapters II and III of the Basic Safety Standards Directive.

(3) The duties imposed by regulation 4 and 5 on the outside undertaking shall only apply to outside undertakings established in Gibraltar.

(4) The duties imposed by regulation 6 on the operator shall only apply to the operator of a controlled area in Gibraltar.

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS) REGULATIONS, 1995

1995-09
Revoked
Subsidiary
1995/081

(5) The duties imposed by regulation 7 on the outside worker shall only apply to an outside worker working in a controlled area situated in Gibraltar.

(6) Subject to sub-regulation (2), nothing in these regulations shall prejudice the requirements of the Ionising Radiations Regulations 1995.

Duties of the outside undertaking.

4.(1) It shall be the duty of the outside undertaking which employs an outside worker to undertake activities in the controlled area of an operator—

- (a) before commencing the activities, to make suitable arrangements to obtain from the operator information about the radiological risks relevant to the intended activities and to the controlled areas in which they are to be undertaken and any special training that may be required;
- (b) to ensure that the outside worker concerned has received the necessary information and training with a view to ensuring his safety in the course of these activities; and
- (c) to make suitable arrangements with the operator to ensure that an estimate is made of the dose received by the worker in the course of those activities.

(2) Where an outside undertaking employs an outside worker to work in any part of the United Kingdom or in another member State, the outside undertaking shall make suitable arrangements to ensure that a continuing record of the assessment of the dose received by the outside worker is maintained by the approved dosimetry service throughout the period of his employment by the outside undertaking.

Radiation passbooks.

5.(1) The outside undertaking shall ensure that each outside worker employed by it is provided with an individual radiation passbook which shall be non-transferable and in which shall be entered the particulars set out in the Schedule.

(2) The outside undertaking shall make suitable arrangements to ensure that the particulars entered in the radiation passbook are kept up to date.

(3) The outside undertaking shall ensure that a suitable record is kept of the issue of any radiation passbook to each outside worker to whom one has been issued and of the loss of any passbook which has been reported to it in

1995-09

**Revoked
Subsidiary
1995/081**

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS) REGULATIONS, 1995

accordance with regulation 7(1)(a) and such records shall be kept for at least 5 years after the passbook ceased to be used by the outside worker.

(4) Where the outside undertaking has had the loss of a passbook reported to it in accordance with regulation 7(1)(a), it shall ensure that an investigation is made of the circumstances of that loss, and an assessment, or if that is not reasonably practicable an estimate, of the dose received by the outside worker and shall ensure that the result of that investigation is entered in the record referred to in sub-regulation (3).

(5) When an outside worker has returned a radiation passbook to the outside undertaking in accordance with regulation 7(1)(c), the outside undertaking shall ensure that the passbook is kept for at least 5 years from that date.

(6) Where the passbook has been returned to the outside undertaking as it is full and requires renewal or its loss has been reported to the outside undertaking, the outside undertaking shall ensure that a new passbook is issued forthwith to the outside worker and in a case where the passbook has been lost, the new passbook shall be clearly marked with the word "replacement".

Duties of the operator.

6.(1) It shall be the duty of an operator who has an outside worker undertaking activities in any controlled area under his control, before the commencement of those activities —

- (a) to make suitable arrangements to provide the outside undertaking with the information referred to in regulation 4(1)(a);
- (b) to take all reasonable steps to ensure by reference to the radiation passbook or by other means that the outside worker—
 - (i) has received any specific training required for the activities;
 - (ii) is medically fit to undertake the activities; and
 - (iii) has been provided with and has been trained to use any personal protective equipment that may be necessary for the safe performance of the activities.

(2) It shall be the duty of the operator to ensure that —

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS) REGULATIONS, 1995

1995-09
Revoked
Subsidiary
1995/081

- (a) the outside worker receives individual exposure monitoring, appropriate to the nature of the activities;
- (b) an estimate of the dose received by the outside worker is made; and
- (c) the radiation passbook is made available to the outside worker at his request.

(3) Subject to sub-regulation (4), as soon as is reasonably practicable after the activities referred to in sub-regulation (1) have been completed, it shall be the duty of the operator to ensure that an estimate of the dose received by the outside worker is entered into the radiation passbook of the outside worker.

(4) In a case where the operator no longer has access to the passbook of the outside worker when the information required by sub-regulation (3) becomes available to him, he shall forthwith give that information to the outside undertaking.

(5) The duty imposed on the operator under sub-regulation (3) to ensure that an estimate of the dose received by the outside worker is entered into his passbook when the activities have been completed, shall not apply in any case where having regard to -

- (a) the nature and duration of the activities undertaken in the controlled areas under the control of the operator; and
- (b) the pattern of past and present activities undertaken by the outside worker and the estimates of the dose previously received entered in the passbook,

and after consulting the outside undertaking, the operator, with the agreement of the outside undertaking, is satisfied that the outside worker will be most unlikely to receive in the month in which the activities are undertaken a radiation dose which exceeds one thirty-sixth part of any annual dose limit for that worker and in such a case the operator shall enter a cumulative estimate of the dose received each month.

Duties of the outside worker.

7.(1) It shall be the duty of every outside worker -

- (a) to take reasonable care of the radiation passbook issued to him, and if it is lost report the loss forthwith to the outside undertaking and in such a case co-operate with the outside

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS) REGULATIONS, 1995

undertaking in any investigation made in accordance with regulation 5(4);

- (b) not to misuse the radiation passbook issued to him or falsify or attempt to falsify any of the information contained in it;
- (c) if he leaves the employment of the outside undertaking or the radiation passbook is full and requires renewal, forthwith to give the passbook to the outside undertaking; and
- (d) to make the radiation passbook available to the operator of any controlled area in which he undertakes activities and to take the passbook with him when his activities in that controlled area have been completed.

(2) It shall also be the duty of the outside worker to take such steps as are reasonable for a person in his position to take to ensure that an estimate of the dose that he receives in the course of those activities is either entered in his passbook or notified to the outside undertaking.

(3) Where an outside worker who has lost a passbook subsequently finds it, he shall forthwith report its finding to the outside undertaking and return that passbook to the undertaking.

Offences.

8. Any person who contravenes any of the provisions of regulation 4, 5, 6 or 7 is guilty of an offence and shall be liable on summary conviction to a fine at level 5 on the standard scale.

Defences under these regulations.

9.(1) It shall be a defence in any proceedings against an outside undertaking for a breach of a duty under these regulations for that outside undertaking to show that —

- (a) it had entered into a contract in writing with the operator for him to perform that duty on its behalf; and
- (b) the breach of duty was a result of the operator's failure to fulfil that contract.

(2) It shall be a defence in any proceedings against an operator for a breach of a duty under these regulations for the operator to show that —

- (a) he had entered into a contract in writing with the outside undertaking for it to perform that duty on his behalf; and

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS) REGULATIONS, 1995

1995-09

Revoked
Subsidiary
1995/081

- (b) the breach of duty was a result of the outside undertaking's failure to fulfil that contract.

(3) The person charged shall not, without leave of the court, be entitled to rely on the defence referred to in sub-regulation (1) or (2) unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing that he intends to rely on the defence and this notice shall be accompanied by a copy of the contract on which he intends to rely and, if that contract is not in English, an accurate translation of that contract into English.

(4) Where a person has established a defence under this regulation, the other party to the contract may be charged with and convicted of an offence as if that person had not established that defence.

Offences by bodies corporate.

10. (1) Where an offence against these regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the offence against these regulations committed by an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any officer of the association or any member of its governing body, he as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.

(3) A fine imposed on an unincorporated association on its conviction for an offence shall be paid out of the funds of the association.

(4) Where an offence against these regulations committed by a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a partner, he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

Civil liability.

11. Any provision of regulation 4, 5, 6 or 7 shall, in the event of a breach of any duty imposed thereby, confer a right of action in civil proceedings insofar as that breach of duty causes damage.

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS)
REGULATIONS, 1995

Application of certain provisions of the Ionising Radiations Regulations, 1995.

12.Regulations 35 (Exemption certificates), and 41 (Modifications relating to the Ministry of Defence etc.) of the Ionising Radiations Regulations, 1995 shall apply to these regulations.

Charges by the Government.

13.(1) Where the Government incurs costs in carrying out its functions under these regulations it may charge a fee determined in accordance with sub-regulations (2) and (3) to any person carrying on in Gibraltar an activity to which these regulations apply.

(2) The fee shall not exceed the sum of the costs reasonably incurred by the Government in respect of the application of these regulations to the activity of that person and where the costs incurred are in respect of more than one person carrying on in Gibraltar an activity to which these regulations apply the fee charged to each such person shall not exceed the proportion of such sum attributable to the activity or activities of that person.

(3) Where, in the opinion of the Government, the Government can properly carry out its functions under these regulations only by engaging specialists and consultants, the cost of such specialists or consultants shall be included in the fee payable under sub-regulation (1).

(4) The Government may determine the cost of employing an officer (including a public officer) for any period of work appropriate to his grade by reference to the average cost to it of employing officers of his grade for that period.

(5) When requiring payment the Government shall send or give to the person by whom the fee is payable a detailed statement of the work done and costs incurred and the period to which the statement relates, and the fee shall be recoverable as a civil debt.

Transitional provisions.

14.Where on the coming into effect of these regulations a person is carrying on an activity to which these regulations apply it shall be sufficient compliance with these regulations if that person complies with any applicable requirement within six months of the coming into effect of these regulations.

Health Protection (Ionising Radiation)
IONISING RADIATION (OUTSIDE WORKERS)
REGULATIONS, 1995

1995-09
Revoked
Subsidiary
1995/081

SCHEDULE

Regulation 5(1)

**PARTICULARS TO BE ENTERED IN THE RADIATION
PASSBOOK**

1. Individual serial number of the passbook.
2. A statement that the passbook has been approved by or on behalf of the Government for the purpose of these regulations.
3. Date of issue of the passbook by the approved dosimetry service.
4. The name, telephone number and mark of endorsement of the issuing approved dosimetry service.
5. The name, address, telephone and telex/fax number of the outside undertaking.
6. Full name (surname, forenames), date of birth, gender and national insurance number of the outside worker to whom the passbook has been issued.
7. Date of the last medical review of the outside worker and the relevant classification in the health record maintained under regulation 16 of the Ionising Radiations Regulations 1995 as fit, fit subject to conditions (which shall be specified and, for the purposes of these regulations, shall include any special dose limit(s) applicable to the outside worker) or unfit, name and signature of an authorised person and date of entry.
8. The cumulative dose assessment in mSv for the year to date for the outside worker, external (whole body, organ or tissue) and/or internal as appropriate and the date of the end of the last assessment period.
9. In respect of activities performed by the outside worker, (except where regulation 6(5)) applies —
 - (a) the name and address of the relevant operator;
 - (b) the period covered by the performance of the activities;
 - (c) estimated dose information, which shall be, as appropriate —

1995-09
Revoked
Subsidiary
1995/081

Health Protection (Ionising Radiation)

IONISING RADIATION (OUTSIDE WORKERS) REGULATIONS, 1995

- (i) an estimate of any whole body effective dose equivalent in mSv received by the outside worker;
 - (ii) in the event of non-uniform exposure, an estimate of the dose equivalent in mSv to organs and tissues as appropriate;
 - (iii) in the event of internal exposure, an estimate of the committed dose in mSv;
- (d) the name and signature of the person making the entry, who shall be a person authorised by the operator to make such entries.