

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. XXX

**EXITING THE EUROPEAN UNION
HEALTH AND SAFETY
ENVIRONMENTAL PROTECTION**

**The Justification Decision Power
(Amendment) (EU Exit) Regulations 2018**

Made - - - - *****

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018⁽¹⁾.

In accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018 a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Justification Decision Power (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

Interpretation

2. In these Regulations—

“2013 Directive” means Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom⁽²⁾;

“class or type of practice” has the same meaning as in Article 19(1) of the 2013 Directive;

“health detriment” has the meaning given by Article 4(39) of the 2013 Directive;

(1) 2018 c. 16.

(2) OJ L 13, 17.1.2014, p.1.

“Justification Regulations” means the Justification of Practices Involving Ionising Radiation Regulations 2004⁽³⁾;

“justified” in relation to a class or type of practice means that the individual or societal benefit resulting from the class or type of practice outweighs the health detriment that it may cause;

“Justifying Authority” has the meaning given by regulation 6 of the Justification Regulations;

“minor justification decision” means a decision that for the purposes of the Justification Regulations—

- (a) determines that a class or type of practice is no longer justified; or
- (b) introduces or changes a condition relating to the justification of a class or type of practice; and

“positive justification decision” means a decision that for the purposes of the Justification Regulations determines that a class or type of practice is justified, where it was not previously justified.

Amendment of the Justification Regulations

3. In regulation 14 (form of applications and decisions) of the Justification Regulations, for the words “section 2(2) of the European Communities Act 1972⁽⁴⁾” substitute “regulation 4 of the Justification Decision Power (Amendment) (EU Exit) Regulations 2018”.

Power to make a justification decision

- 4.**—(1) Subject to paragraph (2), the Justifying Authority may by regulations make—
- (a) a positive justification decision; or
 - (b) a minor justification decision.
- (2) Regulations may not be made under this regulation—
- (a) by the Welsh Ministers, unless justifying the class or type of practice involved falls within devolved competence, within the meaning of section 58A of the Government of Wales Act 2006⁽⁵⁾;
 - (b) by a Northern Ireland department, unless in relation to Northern Ireland and justifying the class or type of practice involved is a transferred matter, within the meaning of section 4 of the Northern Ireland Act 1998⁽⁶⁾;
 - (c) by the Scottish Ministers, unless justifying the class or type of practice involved falls within devolved competence, within the meaning of section 54 of the Scotland Act 1998⁽⁷⁾.
- (3) Regulations under this regulation may—
- (a) make different provision for different purposes;
 - (b) make transitional provision.

(3) S.I. 2004/1769, amended by S.I. 2018/430.

(4) 1972 c. 68.

(5) 2006 c. 32. Section 58A is inserted by section 19(1) of the Wales Act 2017 (c. 4).

(6) 1998 c. 47, to which there are amendments not relevant to these Regulations.

(7) 1998 c. 46, to which there are amendments not relevant to these Regulations.