

**Reprint  
as at 1 April 1980**



**Radiation Protection (Appeals)  
Regulations 1974**  
(SR 1974/319)

Denis Blundell, Governor-General

**Order in Council**

At the Government House at Wellington this 16th day of December  
1974

Present:  
His Excellency the Governor-General in Council

Pursuant to the Radiation Protection Act 1965, His Excellency the  
Governor-General, acting by and with the advice and consent of the  
Executive Council, hereby makes the following regulations.

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989  
have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together  
with other explanatory material about this reprint.

**These regulations are administered by the Ministry of Health.**

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## Regulations

- 1 Title and commencement**
- (1) These regulations may be cited as the Radiation Protection (Appeals) Regulations 1974.
- (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.
- 2 Interpretation**
- In these regulations, the expression the **Act** means the Radiation Protection Act 1965.
- 3 Notice of Director-General's decision**
- Where the Director-General—
- (a) refuses to grant any person a licence under section 16 of the Act; or

- (b) grants any such licence subject to any conditions, or varies, adds to, or revokes any condition so imposed, under section 17 of the Act; or
- (c) makes any decision adverse to an applicant for a licence in respect of any provision of section 18 of the Act; or
- (d) cancels or suspends any such licence under section 20 of the Act; or
- (e) refuses to grant a renewal of any such licence under section 21 of the Act,—

the Director-General shall forthwith give notice in writing of his decision and of the reasons therefor to the applicant for the licence or the licensee, as the case may be.

**4 Notice of appeal and of name of assessor appointed by appellant**

Where the applicant for the licence or the licensee to whom that notice is given wishes to appeal from the decision to which the notice relates, he shall, within the time prescribed by subsection (1) of section 23 of the Act, give to the Minister notice of appeal in the form in the Schedule, and shall specify therein the name of the person whom he has appointed to act as assessor on his behalf on the Board of Appeal, and that assessor shall give in writing his consent to act.

**5 Appointment of assessor by Director-General**

The assessor to be appointed on behalf of the Director-General on the Board of Appeal shall be appointed in writing by the Director-General, and that assessor shall give in writing his consent to act.

**6 Notice of names of assessor appointed by Director-General and of presiding District Court Judge**

Within 31 days after receiving the notice of appeal, the Minister shall inform the appellant of the name of the person appointed to act as assessor on behalf of the Director-General on the Board of Appeal and of the name of the District Court Judge who will be a member and the Chairman of the Board of Appeal, and shall at the same time send to the District Court

Judge a copy of the decision of the Director-General and of the notice of appeal.

Regulation 6 heading: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Regulation 6: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

#### **7 Power of another District Court Judge to act**

If by reason of death, sickness, resignation, absence, or any other cause the District Court Judge named as provided by regulation 6 is unable to perform the preliminary duties hereinafter referred to, or is not present at the time and place fixed for the hearing of the appeal, any other District Court Judge may act in the place of the District Court Judge so named, and, if no other District Court Judge is available for the hearing of the appeal, the assessors may from time to time adjourn the hearing for such period not exceeding 14 days and to such place as they think fit.

Regulation 7 heading: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Regulation 7: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

#### **8 Appointment of other assessors**

If by reason of death, sickness, or any other cause any assessor appointed as aforesaid is not able to be present at the time and place fixed for the hearing of the appeal, the Director-General or the appellant, as the case may be, shall either at the hearing or previously thereto make a fresh appointment of an assessor and give notice in writing thereof forthwith to the District Court Judge and to the other party, and the District Court Judge may adjourn the hearing of the appeal for such period not exceeding 14 days as he thinks fit.

Regulation 8: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

#### **9 Place and time of hearing**

The Board of Appeal shall hear and determine the appeal at such convenient place and time as may be decided by the District Court Judge.

Regulation 9: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

**10 Notice of place and time of hearing**

The District Court Judge shall cause at least 7 days' previous notice of the place and time of the hearing to be given to the assessors, the Director-General, and the appellant.

Regulation 10: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

**11 Evidence**

The Board of Appeal may, in its discretion, receive any evidence it thinks fit (whether on oath or otherwise), and may act on any statement, document, information, or matter which in the opinion of the Board of Appeal may assist it to deal with the matters before it, whether the same would be legally admissible in a court of law or not.

**12 Procedure**

In matters not expressly provided for in the Act or by these regulations, the Board of Appeal shall follow such procedure as the District Court Judge may determine.

Regulation 12: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

**13 Adjournment**

The Board of Appeal may from time to time adjourn the hearing or consideration or determination of the appeal as it thinks fit.

**14 Representation at hearing**

At the hearing of the appeal the appellant may himself appear and give evidence and may either be heard in person or be represented by some other person or by a solicitor or counsel; and evidence may be given on behalf of the Director-General by any person appointed by him, and any such person may be heard on behalf of the Director-General, or the Director-General may be represented by a solicitor or counsel.

**15 Method of taking evidence and determination**

If the appellant or his representative appears at the hearing, the evidence shall be taken in his presence or in the presence of his representative, or both. If the appellant or his representative fails to appear at the hearing, the Board of Appeal may determine the appeal in his absence on such evidence as is available.

**16 Decision of Board of Appeal**

The order made by the Board of Appeal in respect of the appeal shall be in writing signed by the District Court Judge and at least 1 of the assessors. A copy of the order shall be given to the appellant and a copy shall also be given to the Director-General, who shall forthwith give effect to the order.

Regulation 16: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

**17 Costs**

The costs that may be allowed by the Board of Appeal under subsection (4) of section 23 of the Act may include allowances to witnesses at a rate not exceeding the scale of allowances to witnesses for the time being in force under the District Courts Act 1947.

Regulation 17: amended, on 1 April 1980, pursuant to section 2(3) of the District Courts Amendment Act 1979 (1979 No 125).

**18 Method of giving notice**

Any notice required by these regulations to be given to any person may be given by sending the notice by registered post addressed to him at his last known address, and shall be deemed to have been received when in the ordinary course of post it would be delivered.

**19 Revocation**

The Radioactive Substances Appeals Regulations 1954 (SR 1954/69) are hereby revoked.

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**Schedule**  
**Notice of appeal**

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**To** the Minister of Health

Take notice that I, [*full name, address*] hereby appeal under section 23 of the Radiation Protection Act 1965 against the decision of the Director-General of Health conveyed to me by letter dated [*date*].

I make my appeal on the following grounds: [*specify*].

And I hereby appoint [*full name, address*] as assessor on my behalf for the purposes of this appeal.

Dated at [*place, date*]

Signature of appellant:

I hereby consent to act as assessor for the purposes of this appeal.

Signature of assessor:

P G Millen,  
Clerk of the Executive Council.

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**Notes****1 General**

This is a reprint of the Radiation Protection (Appeals) Regulations 1974. The reprint incorporates all the amendments to the regulations as at 1 April 1980, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

District Courts Amendment Act 1979 (1979 No 125): sections 2(3), 18(2)

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