

**Reprint  
as at 7 March 2017**



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

Radiation Protection (Appeals) Regulations 1974: revoked, on 7 March 2017, by section 97(b) of the Radiation Safety Act 2016 (2016 No 6).

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 subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**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 as-

essor 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.

**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.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 19 December 1974.

## **Reprints notes**

### **1    *General***

This is a reprint of the Radiation Protection (Appeals) Regulations 1974 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Radiation Safety Act 2016 (2016 No 6): section 97(b)

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