STATUTORY INSTRUMENTS

# 1965 No. 1826

# ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES
## NUCLEAR MATTER

## The Nuclear Installations (Excepted Matter) Regulations 1965

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| *Made* - - - - | *20th October* 1965 |
| *Laid before Parliament* | *29th October* 1965 |
| *Coming into Operation* | *1st December* 1965 |

The Minister of Power and the Secretary of State in exercise of the powers conferred upon them by section 26(1) of the Nuclear Installations Act 1965(**a**) (hereinafter referred to as "the Act") and of all other powers them enabling hereby jointly make the following Regulations:—

*Commencement and citation*

**1.** These Regulations shall come into operation on 1st December 1965 and may be cited as the Nuclear Installations (Excepted Matter) Regulations 1965.

*Interpretation*

**2.**—(1) The Interpretation Act 1889(**b**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) Unless the context otherwise requires, expressions used in these Regulations shall have the same meanings as in the Act.

(3) In these Regulations the following expressions have the meanings hereby assigned to them, that is to say—

"fissile material" means plutonium 239, plutonium 241, uranium 233, uranium 235, or any material containing any of the aforesaid;

"group" in relation to radionuclides means any of the eight groups into which radionuclides are classified in Annex 1, Table II, of the I.A.E.A. Regulations;

"the I.A.E.A. Regulations" means the Regulations for the Safe Transport of Radioactive Materials 1964 Revised Edition published by the International Atomic Energy Agency and dated 1965;

"special form radioactive material" means radioactive material which is either in massive solid form or is encapsulated and in both cases complies with the requirements of the I.A.E.A. Regulations relating to such material.

*Excepted matter*

**3.** For the purposes of paragraph (*d*) of the definition of "excepted matter" in section 26(1) of the Act the Minister of Power and the Secretary of State hereby prescribe that nuclear matter (other than waste discharged on or from a relevant site or consigned therefrom) shall for such time as it is outside a

(**a**) 1965 c. 57. (**b**) 52 & 53 Vict. c. 63.

relevant site be excepted matter if it has been consigned from a relevant site and at the time when it left that site—

(i) it was duly packed and labelled in accordance with the appropriate provisions of the I.A.E.A. Regulations, and

(ii) it did not exceed the limits of activity prescribed in Regulation 4 hereof, and

(iii) being fissile material, it did not exceed the limits prescribed in Regulation 5 hereof, and

(iv) being fissile material, it was either exempted by the I.A.E.A. Regulations from the additional provisions of those Regulations relating to packages containing fissile materials or was packed in such a way as to satisfy the nuclear safety criteria laid down in the I.A.E.A. Regulations for Fissile Class I or Fissile Class II packages, and

(v) being special form radioactive material solely by virtue of encapsulation, it was consigned as such and was contained in a capsule designed to remain intact during use.

*Prescribed limits of activity*

**4.**—(1) Subject to the provisions of paragraphs (2), (3), (4), (5) and (6) of this Regulation, the total activity of any one consignment of nuclear matter containing a single radionuclide or several radionuclides in the same group shall not exceed the limits set out in the Table in Schedule 1 to these Regulations as appropriate to the group to which the radionuclide belongs.

(2) The total activity of any one consignment of radionuclides in the form of special form radioactive material shall not exceed 500 curies.

(3) Where the identity of a radionuclide is not known it shall be deemed to be included in group I.

(4) Where fissile material contains mixed fission products, such products shall be deemed to be included in group II.

(5) Where a consignment of nuclear matter contains any special form radioactive material together with radionuclides not in the form of special form radioactive material, or contains radionuclides not in such form in different groups, the sum of the fractions obtained by dividing the activities of the special form radioactive material and each of the radionuclides not in such form by the relevant limit prescribed in paragraphs (1) or (2) of this Regulation (as the case may be), shall not exceed 1.

(6) For the purposes of the calculation to be made in accordance with paragraph (5) of this Regulation, where the respective activities of any of the radionuclides present are not known, all such radionuclides shall be deemed to belong to the most restrictive group among them.

*Additional limits for fissile material*

**5.** Fissile material shall comply with such of the provisions of Regulation 4 of these Regulations as may be appropriate and in addition shall not exceed the following mass limits:—

(*a*) for a consignment containing only one of the materials specified in column 1 of the Table set out in Schedule 2 to these Regulations, the limit set out in column 2 of the said Table;

(*b*) for a consignment containing more than one of the materials specified in column 1 of the Table set out in Schedule 2 to these Regulations, the sum of the fractions obtained by dividing the masses of each of the

said materials present by the relevant limit prescribed in column 2 of the said Table shall not exceed 1.

18th October 1965.

*Fred Lee,*
Minister of Power.

20th October 1965.

*William Ross,*
One of Her Majesty's Principal Secretaries of State.

## SCHEDULE 1

Regulation 4

| Group of radionuclides | Limit in curies |
|---|---|
| I | 2 |
| II | 20 |
| III-IV | 200 |
| V | 5,000 |
| VI-VIII | 50,000 |

## SCHEDULE 2

Regulation 5

| Column 1 | Column 2 |
|---|---|
| Fissile Material | Limit in grammes of contained fissile nuclide |
| Plutonium 239 | 375 |
| Plutonium 241 | 375 |
| Uranium 233 | 375 |
| Uranium 235 | 600 |

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations, made by the Minister of Power and the Secretary of State for Scotland acting jointly, prescribe for the purposes of paragraph (*d*) of the definition of " excepted matter " in section 26(1) of the Nuclear Installations Act 1965 certain specified quantities and forms of nuclear matter. If

nuclear matter falls within the prescribed limits it is excluded from the provisions of the Act so long as it is outside a nuclear installation and thus will not attract the absolute liability which is imposed on United Kingdom operators of nuclear installations under sections 7, 8 and 9 of the Act or on responsible parties under section 11. Operators of nuclear installations situated in a foreign country which is a party to either of the international conventions referred to below, who may be liable under section 10 of the Act, will have a similar exclusion laid down for them by their own home law.

The small quantities of nuclear matter which are prescribed in the present Regulations are those determined by the Board of Governors of the International Atomic Energy Agency for the purposes of Article I.2 of the Vienna Convention on Civil Liability for Nuclear Damage and by the Steering Committee of the European Nuclear Energy Agency for the purposes of Article 1(*b*) of the Paris Convention on Third Party Liability in the Field of Nuclear Energy, as warranting exclusion from the application of those Conventions in view of the small extent of the risks involved.

A consignment of nuclear matter, other than waste, leaving a nuclear installation is excepted matter as prescribed if it does not exceed certain limits of activity and, in the case of fissile materials, weight, and is packed and labelled in accordance with the appropriate provisions of the Regulations for the Safe Transport of Radioactive Materials, 1964 Revised Edition, published by the International Atomic Energy Agency in 1965.

The present Regulations merely define, for the purpose of liability under the Act, one particular category of nuclear matter which is excepted from liability thereunder. The other categories of "excepted matter" are specified in paragraphs (*a*), (*b*) and (*c*) of the definition of that expression in section 26(1). In addition to being excepted from liability under the Act so long as it is outside a nuclear installation, "excepted matter" is exempted from the need to have a certificate of insurance during carriage in the form prescribed by the Nuclear Installations (Insurance Certificate) Regulations 1965 (S.I. 1965/1823) made under section 21(3) of the Act.