STATUTORY INSTRUMENTS

1971 No. 1731

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances Act 1948 Appropriate Minister Designation (No. 4) Order 1971

Made - - - *27th October* 1971

At the Court at Buckingham Palace, the 27th day of October 1971

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 5(1) of the Radioactive Substances Act 1948(a) it is provided that the appropriate Minister may, as respects any class or description of premises or places specified in the regulations, being premises or places in which radioactive substances are manufactured, produced, treated, stored or used or irradiating apparatus is used, make such provision by regulations as appears to the Minister to be necessary—

(*a*) to prevent injury being caused by ionising radiations to the health of persons employed at those premises or places or other persons ; or

(*b*) to secure that any radioactive waste products resulting from such manufacture, production, treatment, storage or use as aforesaid are disposed of safely :

And whereas by section 5(6) of the said Act the expression "the appropriate Minister" in that section is defined as such Minister, or such Ministers acting jointly, as may be designated by Order in Council :

And whereas the said section 5(6) provides that different Ministers may be designated for the purposes of the said section 5(1) for different classes or descriptions of premises or places :

Now, therefore, Her Majesty, in pursuance of the power conferred on Her by the said section 5(6) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. The Secretary of State for Employment is, as respects Great Britain, hereby designated the appropriate Minister for the purposes of the said section 5(1) for the following class of premises and places, namely, any establishment (other than an establishment excluded by Article 2 of this Order) in which, for the purpose of making radiographic or fluoroscopic examinations of articles manufactured elsewhere than in that establishment or in any establishment of which it forms part, radioactive substances are stored or used or irradiating apparatus is used.

(a) 1948 c. 37.

2. This Order does not apply—

(*a*) to any establishment as respects which the Secretary of State for Employment is designated the appropriate Minister for the purposes of the said section 5(1) by virtue of the Radioactive Substances Act 1948 Appropriate Minister Designation (No. 1) Order 1964(**a**) or the Radioactive Substances Act 1948 Appropriate Minister Designation (No. 3) Order 1969(**b**); or

(*b*) to any factory within the meaning of the Factories Act 1961(**c**) or any premises or place to which the provisions of Part IV of that Act with respect to special regulations for safety and health are applied by the following provisions of that Act, namely, section 123 (which relates to electrical stations), section 124 (which relates to institutions), so much of section 125 as relates to warehouses other than warehouses belonging to the owners, trustees or conservators of any dock, wharf or quay, section 126 (which relates to ships) and section 127 (which relates to building operations and works of engineering construction).

3.—(1) This Order may be cited as the Radioactive Substances Act 1948 Appropriate Minister Designation (No. 4) Order 1971.

(2) The Interpretation Act 1889(**d**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

W. G. Agnew.

EXPLANATORY NOTE

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

Section 5(1) of the Radioactive Substances Act 1948 empowers the appropriate Minister designated under that section to make safety regulations as respects premises or places where there are persons in occupations involving radioactive substances or irradiating apparatus. This Order designates, as respects Great Britain, the Secretary of State for Employment the appropriate Minister for the purposes of that provision in respect of any establishment in which, for the purpose of making radiographic or fluoroscopic examinations of articles manufactured elsewhere than in that establishment or in any establishment of which it forms part, radioactive substances are stored or used or irradiating apparatus is used. The designation does not apply to factories and certain other places to which the Factories Act 1961 applies or to any establishment in respect of which he is already so designated by Orders in Council made in 1964 and 1969 (which related respectively to scientific research and teaching establishments and certain shoe shops).

(**a**) S.I. 1964/699 (1964 II, p. 1344).
(**b**) S.I. 1969/1495 (1969 III, p. 4792).
(**c**) 1961 c. 34.
(**d**) 1889 c. 63.