STATUTORY INSTRUMENTS

1963 No. 1881 (S. 98)

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Attachments to Lightning Conductors) Exemption (Scotland) Order 1963

Made - - - -	19*th November* 1963
Laid before Parliament	27*th November* 1963
Coming into Operation	1*st December* 1963

In exercise of the powers conferred on me by sections 2(6) and (7) and 20(*a*) of the Radioactive Substances Act 1960(a), and of all other powers enabling me in that behalf, I hereby make the following order :—

Citation and commencement

1. This order may be cited as the Radioactive Substances (Attachments to Lightning Conductors) Exemption (Scotland) Order 1963, and shall come into operation on 1st December 1963.

Interpretation

2.—(1) In this order :—

" the Act " means the Radioactive Substances Act 1960 ;

" air termination " means a part of a lightning protective system which is a part designed to distribute lightning discharges into, or collect them from, the atmosphere ;

" closed source " means a sealed source or a laminated source ;

" decay products " means, in relation to any radionuclide, the radionuclides succeeding it in the radioactive series in which it and they occur ;

" exempted device " means a device of the description specified in Article 4 of this order ;

" incorporated source " means a closed source incorporated in an exempted device ;

" laminated source " means an article free from patent defect consisting of a layer of coherent radioactive material sandwiched between and securely bonded to layers of coherent, inert and tough material which is not radioactive material ;

" lightning protective system " means a system of conductors installed to protect a building from the effects of lightning ;

" police force " has the same meaning as in the Police (Scotland) Act 1956(b) ; and

" sealed source " means radioactive material sealed in a container (otherwise than solely for the purpose of storage, transport or disposal) or bonded wholly within material, the immediate container or the bonding being of adequate mechanical strength and free from patent defect and not being radioactive material, and includes the immediate container or the bonding.

(2) The Interpretation Act 1889(c) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(a) 8 & 9 Eliz. 2. c. 34. (b) 4 & 5 Eliz. 2. c. 26. (c) 52 & 53 Vict. c. 63.

Exemption from registration under section 1 of the Act

3. Any person who, on any premises which are used for the purposes of any undertaking carried on by him, keeps or uses or causes or permits to be kept or used any radioactive material to which this Article applies is hereby granted exemption from registration under section 1 of the Act (which provides for the registration of persons who keep or use radioactive material) in respect of those premises and the keeping and use thereon of that radioactive material, subject to the conditions specified in Article 5 of this order.

Description of radioactive material to which exemption relates

4. The last preceding Article applies to radioactive material consisting of a device which—

(*a*) is fastened to an air termination forming part of a lightning protective system installed on the premises; and

(*b*) is radioactive material solely because it incorporates a closed source or closed sources—

(i) in which, or in all of which taken together, the sum total of millicuries of all the radionuclides (excluding those which are decay products of others present) does not exceed 1; and

(ii) in which, or in each of which, the number of microcuries of each of the decay products of any radionuclide present does not at any time exceed the number of microcuries of that decay product which could be present at that time through radioactive decay occurring in that source.

Conditions of exemption

5. The conditions to which Article 3 of this order refers are, as respects each exempted device—

(*a*) that the device, the air termination to which it is fastened and the lightning protective system of which that air termination forms part are so constructed, and remain so fastened, connected or installed, that the device, that air termination and the part of that system to which that air termination is connected are unlikely to be dislodged or damaged as the result of storm or tempest;

(*b*) that, on and after 31st March 1964, a permanent and weatherproof notice, showing in characters of adequate size, indelibly, distinctly and legibly marked or printed, the symbol specified in Schedule 1 to this order followed by a warning in the terms set out in that Schedule or in terms to the like effect, is kept securely affixed either to the building on which the lightning protective system is installed, as near as is reasonably practicable to the air termination to which the device is fastened, or to the mast or other fitting supporting that air termination and, in either case, in such a position as to be conspicuously visible to and easily read by, persons outside the building in the vicinity of that air termination;

(*c*) that, unless it was in place immediately before the commencement of this order, the device bears a permanent and weatherproof marking or label showing in characters of adequate size, indelibly, distinctly and legibly marked or printed, the symbol specified in Schedule 2 to this order followed by the particulars mentioned in that Schedule;

(*d*) that no incorporated source is mutilated;

(*e*) that, whenever there are reasonable grounds for believing or suspecting that an incorporated source has been lost or stolen—

(i) notification to that effect is given forthwith, by the quickest means available, to a member of a police force, and in writing to the

Secretary of State at the Scottish Development Department, St. Andrew's House, Edinburgh, as soon as practicable; and

(ii) all reasonably practicable measures are taken forthwith for the purpose of recovering that source;

(*f*) that, whenever there are reasonable grounds for believing or suspecting—

(i) that the immediate container or the bonding forming part of an incorporated source is broken or damaged; or

(ii) that any radioactive material has become detached or has escaped from an incorporated source because of some defect in that source; or

(iii) that the device, the air termination to which it is fastened or the part of the lightning protective system to which that air termination is connected has been dislodged or damaged,

notification to that effect is given forthwith, by the quickest means available, to the Secretary of State at the Scottish Development Department, St. Andrew's House, Edinburgh, and (unless the notification so given to him is in writing) confirmed to him in writing at that address as soon as practicable; and

(*g*) that the name of the occupier of the premises where the device is in place and the address of those premises is notified in writing to the Secretary of State at the Scottish Development Department, St. Andrew's House, Edinburgh, not later than 8th December 1963, if the device was in place immediately before the date of commencement of this order or, if it is installed on or after that date, within one week from the date upon which it is installed.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
19th November 1963.

SCHEDULE 1

The basic ionizing radiation symbol recommended for use by British Standard 3510:1962 issued by the British Standards Institution.

"Warning—Radioactivity.

[A device] [Devices]* containing radioactive material [is] [are]* attached to the air termination[s]* of the lightning protective system on these premises."

* Delete as appropriate.

SCHEDULE 2

The basic ionizing radiation symbol recommended for use by British Standard 3510:1962, issued by the British Standards Institution, the word "radioactive" and the name of, and the sum total of microcuries of, each of the radionuclides (excluding those which are decay products of others present) contained in the closed source or, as the case may be, all the closed sources taken together, incorporated in the device at the time it was installed.

EXPLANATORY NOTE

(This Note is not part of the order, but is intended to indicate its general purport.)

This order exempts persons conditionally from registration under section 1 of the Radioactive Substances Act 1960, in respect of the keeping and use of " radioactive material " within the meaning of section 18(1) of that Act consisting of devices fastened to lightning conductors and incorporating closed sources (defined in the order) possessing limited radioactivity.