STATUTORY INSTRUMENTS

1962 No. 2767 (S. 127)

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Civil Defence) Exemption (Scotland) Order 1962

Made - - - -	18*th December* 1962
Laid before Parliament	31*st December* 1962
Coming into Operation	1*st December* 1963

In exercise of the powers conferred on me by sections 2 (6) and (7), 6 (5), 7 (4) 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 (Civil Defence) Exemption (Scotland) Order 1962, and shall come into operation on 1st December 1963.

Interpretation

2.—(1) In this order—

" the Act " means the Radioactive Substances Act 1960 ;

" the Act of 1948 " means the Civil Defence Act 1948(b) ;

" civil defence arrangements " means arrangements made by any person—

(*a*) under regulations made under the Act of 1948 ; or

(*b*) with the approval of the Secretary of State (whether that approval is given specially in respect of anything done or to be done by that person or generally in respect of anything done or to be done by a class of persons of which he is a member) ; or

(*c*) in pursuance of any advice or recommendation given or made (whether specially to that person or generally to a class of persons of which he is a member) by the Secretary of State or otherwise in the furtherance of any measures taken by him in exercise of civil defence functions conferred on him by or under the Act of 1948 for the training of members of civil defence forces or civil defence services or other persons in civil defence ;

" civil defence ", " civil defence forces " and " civil defence services " have the same meanings as in the Act of 1948 ;

" decay products " means the radionuclides succeeding radium 226 in the radioactive series in which it and they occur ;

" exempted sealed source " means a sealed source falling within Article 4 (*a*) or (*b*) of this order, being a source so kept or used as to be within the exemption from registration granted by Article 3 ;

(a) 8 & 9 Eliz. 2. c. 34. (b) 12, 13 & 14 Geo. 6. c. 5.

"exempted unsealed source" means a liquid unsealed source falling within Article 4 (*c*) of this order, being a source so kept or used as to be within the exemption granted by Article 3;

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

"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; and

"unsealed source" means radioactive material which is not and does not form part of a sealed source.

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

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 limitations specified in Article 5 of this order and, with respect to a sealed source falling within Article 4 (*a*) or (*b*), to the conditions specified in Article 6.

Descriptions of radioactive material to which exemption relates

4. The last preceding Article applies to radioactive material falling within any of the following descriptions, that is to say—

(*a*) a sealed source containing no radionuclides other than radium 226 and its decay products and not more than one millicurie of radium 226, the number of microcuries of any of the decay products not exceeding the number of microcuries of radium 226;

(*b*) a sealed source containing no radionuclides other than, and not more than ten millicuries of, cobalt 60;

(*c*) a liquid unsealed source containing no radionuclides other than, and not more than ten microcuries of, thallium 204.

Limitations of exemption

5. The limitations to which Article 3 of this order refers are—

(*a*) that a person is granted exemption in respect of the keeping and use of a sealed source for one or both of the following purposes only, that is to say—

(i) training persons in civil defence;

(ii) testing the operation of, or calibrating, instruments kept or used for that purpose,

in the discharge of functions exercisable by him, or on his behalf, under civil defence arrangements; and

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

(*b*) that a person is granted exemption in respect of the keeping and use of an unsealed source for one or both of the following purposes only, that is to say—

(i) testing the operation of instruments kept under civil defence arrangements for the purpose of detecting the presence of radioactive elements in water;

(ii) demonstrating the operation of such instruments for the purpose of training persons in civil defence,

in the discharge of functions mentioned in the preceding paragraph.

Conditions of exemption

6. The conditions to which Article 3 of this order refers are—

(*a*) that no material (whether radioactive or not) forming part of an exempted sealed source is removed therefrom;

(*b*) that no exempted sealed source is mutilated;

(*c*) that, whenever there are reasonable grounds for believing or suspecting that an exempted sealed 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;

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

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

(ii) that any material (whether radioactive or not) forming part of an exempted sealed source has been removed therefrom; or

(iii) that any radioactive material has become detached or has escaped from an exempted sealed source because of some defect therein,

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

(*e*) that, not later than 31st January in each year, there is sent to the Secretary of State at the Scottish Development Department, St. Andrew's House, Edinburgh, a statement in writing of the quantities and descriptions of—

(i) all exempted sealed sources held on the last preceding 31st December;

(ii) all exempted sealed sources which have been lost or stolen during the year ending on that date; and

(iii) all radioactive waste consisting of exempted sealed sources disposed of during that year to manufacturers of sources of the same description as the waste.

Exclusion of radioactive waste from sections 6 and 7 of the Act

7.—(1) Radioactive waste falling within either of the following descriptions, that is to say—

(*a*) waste which, immediately before it became waste, was an exempted unsealed source;

(*b*) waste which is radioactive waste solely because it has been contaminated in the course of the keeping or use of an exempted unsealed source, or by contact with or proximity to other waste falling within the preceding sub-paragraph or this sub-paragraph,

is hereby excluded from the provisions of section 6 (1) and (3) of the Act (which relates to the disposal of radioactive waste) absolutely.

(2) Radioactive waste which, immediately before it became waste, was an exempted sealed source is hereby excluded from the provisions of section 6 (1) of the Act, subject to the condition that it is disposed of by sending it to, or causing or permitting its removal by, a manufacturer of sources of the same description as the waste.

(3) Radioactive waste falling within this Article is hereby excluded from the provisions of section 7 (1) of the Act (which relates to the accumulation of radioactive waste) subject to the condition that it is disposed of as soon as practicable.

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

St. Andrew's House,
Edinburgh, 1.
18th December 1962.

EXPLANATORY NOTE

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

This order exempts persons (in some cases conditionally) from registration under section 1 of the Radioactive Substances Act 1960 in respect of the keeping and use, for training purposes under civil defence arrangements, of "radioactive material" within the meaning of section 18 (1) of that Act consisting of sealed sources and liquid unsealed sources possessing limited radioactivity.

It also excludes (in some cases conditionally) from sections 6 (1) and (3) and 7 (1) of that Act (which prohibit the disposal and accumulation of radioactive waste without authorisation) certain descriptions of "radioactive waste" within the meaning of section 18 (4) of that Act arising directly or indirectly from the keeping or use of sources exempted by the order.