STATUTORY INSTRUMENTS

1962 No. 2642

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Electronic Valves) Exemption Order 1962

Made - - - -	*4th December* 1962
Laid before Parliament	*7th December* 1962
Coming into Operation	*1st December* 1963

The Minister of Housing and Local Government, in exercise of his powers under sections 2(6) and (7), 4(2), 6(5) and 7(4) of the Radioactive Substances Act 1960(a) and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation and commencement

1. This order may be cited as the Radioactive Substances (Electronic Valves) Exemption 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;

"class 1 valve" means a valve in which—

(*a*) the number of microcuries of radionuclides specified in column 1 of the Schedule to this order, taking all those present together, does not exceed 0·1; and

(*b*) the number of microcuries of radionuclides specified in column 2 of that Schedule, taking all those present together, does not exceed one;

"class 2 valve" means a valve in which—

(*a*) the number of microcuries of radionuclides specified in column 1 of the Schedule to this order, taking all those present together, exceeds 0·1; and

(*b*) the number of microcuries of radionuclides specified in column 2 of that Schedule, taking all those present together, exceeds one;

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

"refuse disposal authority" means a local authority within the meaning of the Public Health Act 1936(b) or a sanitary authority within the meaning of the Public Health (London) Act 1936(c) acting in pursuance of statutory powers or duties relating to the removal and disposal of refuse;

and any reference to an exempted valve is a reference to a valve falling within Article 5(*a*) of this order or such a valve incorporated in an article falling within Article 5(*b*), being either a valve so kept or used, or a valve

(a) 8 & 9 Eliz. 2. c. 34. (b) 26 Geo. 5 & 1 Edw. 8. c. 49. (c) 26 Geo. 5 & 1 Edw. 8. c. 50.

incorporated in an article so kept or used, as to be within the exemption from registration granted by Article 3, or a valve falling within Article 5(*a*) incorporated in mobile radioactive apparatus in respect of which exemption from registration is granted by Article 8, and any reference to an exempted article is a reference to an article falling within Article 5(*b*), being an article so kept or used as to be within the exemption from registration granted by Article 3, or an article which is mobile radioactive apparatus in respect of which exemption from registration is granted by Article 8.

(2) For the purposes of paragraph (*a*) of Article 7 of this order and paragraph (1) (iii) of Article 10, all premises in the same occupation and lying within the same curtilage shall together be treated as the premises in respect of which the conditions in those paragraphs apply.

(3) The Interpretation Act 1889(a) 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. Subject to the provisions of Articles 6 and 7 of this order, any person who, on any premises to which this Article applies 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.

Classes of premises to which exemption relates

4. The last preceding Article does not apply to premises used for or in connection with the manufacture of radioactive material falling within Article 5 of this order or for the storage of such material by the manufacturer, but, save as aforesaid, applies to premises of any class.

Descriptions of radioactive material to which exemption relates

5. Article 3 of this order applies to radioactive material falling within either of the following descriptions, that is to say,—

(*a*) an electronic valve in which—

(i) there are no radionuclides other than one or more of those specified in the Schedule to this order and its or their decay products; and

(ii) the number of microcuries of radionuclides specified in column 1 of that Schedule, taking all those present together, does not exceed one; and

(iii) the number of microcuries of radionuclides specified in column 2 of that Schedule, taking all those present together, does not exceed ten; and

(iv) the number of microcuries of any of the decay products of any radionuclide specified in that Schedule does not exceed the number of microcuries of that radionuclide;

(*b*) any apparatus, equipment or appliance which is radioactive material solely because it incorporates an electronic valve or valves falling within the preceding paragraph.

(a) 52 & 53 Vict. c. 63.

Exemption under section 1 *without limitation or condition*

6. The exemption granted by Article 3 of this order in respect of the keeping and use of—

(*a*) a class 1 valve not incorporated in an article; and

(*b*) an article falling within Article 5(*b*) of this order,

is granted without any limitation or condition.

Exemption under section 1 *subject to conditions*

7. The exemption granted by Article 3 of this order in respect of the keeping and use of a class 2 valve not incorporated in an article is granted subject to the conditions that—

(*a*) not more than ten class 2 valves are on the premises at any one time; and

(*b*) when not in use, the valve is kept in a container (except when removed for any necessary testing or inspection) marked with, or having attached or affixed to it a label bearing, the words "Radioactive electronic valve" in letters of adequate size, distinctly and legibly printed and conspicuously visible.

Exemption from registration under section 3 *of the Act*

8. Any person is hereby granted exemption from registration under section 3 of the Act (which provides for the registration of mobile radioactive apparatus) in respect of mobile radioactive apparatus consisting of an article falling within Article 5 (*b*) of this order, without any limitation or condition.

Exclusion of certain descriptions of radioactive waste from sections 6 *and* 7 *of the Act*

9. Radioactive waste falling within any of the following descriptions, that is to say,—

(*a*) waste which, immediately before it became waste, consisted of exempted class 1 valves or exempted articles incorporating class 1 valves only;

(*b*) parts of exempted class 1 valves;

(*c*) substances or articles which are radioactive waste solely because they have been contaminated in the course of the keeping or use of exempted class 1 valves or exempted articles incorporating class 1 valves only, or by contact with or proximity to other waste falling within either of the preceding paragraphs or this paragraph,

is hereby excluded—

(i) from the provisions of section 6 (1), (2) and (3) of the Act (which relates to the disposal of radioactive waste) absolutely; and

(ii) from the provisions of section 7 (1) of the Act (which relates to the accumulation of radioactive waste), subject to the condition that the waste is disposed of as soon as practicable.

Exclusion of further descriptions of radioactive waste from sections 6 *and* 7 *of the Act*

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

(*a*) waste which, immediately before it became waste, consisted of exempted class 2 valves or exempted articles incorporating class 2 valves;

(*b*) parts of exempted class 2 valves;

(*c*) substances or articles which are radioactive waste solely because they have been contaminated in the course of the keeping or use of exempted class 2 valves or exempted articles incorporating class 2 valves, or by contact with or proximity to other waste falling within either of the preceding sub-paragraphs or this sub-paragraph,

is hereby excluded from the provisions of section 6 (1) and (2) of the Act, subject to the conditions that—

(i) the waste is dispersed in other refuse which is not radioactive waste;

(ii) the refuse in which it is dispersed is disposed of by causing or permitting its removal by a refuse disposal authority or their contractors; and

(iii) in any one week, not more than ten class 2 valves (whether whole or in parts, whether or not incorporated in other articles and whether or not absorbed in, mixed with or adhering to other substances or articles) are disposed of from the premises.

(2) Where it is waste which has been received as refuse by a refuse disposal authority or their contractors, radioactive waste falling within the preceding paragraph is hereby excluded—

(*a*) from the provisions of section 6 (3) of the Act, subject to the condition that it is dispersed in other refuse; and

(*b*) from the provisions of section 7 (1) of the Act, subject to the conditions that—

(i) it is dispersed in other refuse; and

(ii) the refuse in which it is dispersed is disposed of as soon as practicable.

(3) Save where it is waste which has been received as refuse by a refuse disposal authority or their contractors, radioactive waste falling within paragraph (1) of this Article is hereby excluded from the provisions of section 7 (1) of the Act, subject to the conditions that—

(*a*) it is dispersed in other refuse which is not radioactive waste; and

(*b*) the refuse in which it is dispersed is disposed of as soon as practicable.

SCHEDULE

1	2
Cobalt 60 Nickel 63 Caesium 137 Thorium (any isotope of) Thallium 204 Radium 226 Uranium (any isotope of)	Tritium Carbon 14 Chlorine 36 Krypton 85

Given under the official seal of the Minister of Housing and Local Government on 4th December 1962.

(L.S.) *Keith Joseph,*
Minister of Housing and Local Government.

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, except on manufacturers' premises, of " radioactive material " within the meaning of section 18 (1) of that Act consisting of electronic valves possessing limited radioactivity and instruments and other articles incorporating such valves.

It also exempts persons unconditionally from registration under section 3 of that Act in respect of " mobile radioactive apparatus " within the meaning of section 18 (5) of that Act incorporating such valves.

Articles 9 and 10 of the Order provide for the exclusion (in some cases conditionally) from sections 6 (1), (2) and (3) and 7 (1) of that Act (which prohibit the disposal and accumulation of radioactive waste without authorisation) of 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 valves or articles incorporating valves exempted by the Order.