STATUTORY INSTRUMENTS

1967 No. 1796

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Fire Detectors) Exemption Order 1967

Made - - - 1*st December* 1967
Laid before Parliament 11*th December* 1967
Coming into Operation 15*th December* 1967

The Minister of Housing and Local Government, in exercise of his powers under sections 2(6) and (7), 6(5) and 15(3) 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 (Fire Detectors) Exemption Order 1967, and shall come into operation on 15th December 1967.

Interpretation

2.—(1) In this order—

"the Act" means the Radioactive Substances Act 1960;

"closed source" means a laminated source or a sealed source, and "closed sources" means sources each of which is a laminated source or a sealed source whether or not they are all sources of one of those descriptions;

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

"fire detector" means any apparatus, equipment or appliance designed to detect fire;

"incorporated source" means a closed source incorporated in a fire detector;

"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;

"the Minister" means the Minister of Housing and Local Government;

"police force" has the same meaning as in section 62 of the Police Act 1964(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.

(a) 8 & 9 Eliz. 2. c. 34.
(b) 1964 c. 48.

(2) For the purposes of sub-paragraph (b) of Article 6(1) of this order, all premises in the same occupation and lying within the same curtilage shall together be treated as the premises in respect of which the condition in that sub-paragraph applies.

(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. 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 apparatus, equipment or an appliance which—

(a) is affixed or attached to premises for the purpose of detecting fire therein; and either

(*b*) is radioactive material solely because it incorporates krypton 85 in one or more sealed sources in which, or in all of which taken together, the number of millicuries of that radionuclide does not exceed 7; or

(*c*) is radioactive material solely because it incorporates radionuclides (excluding krypton 85) in one or more closed sources in which, or in all of which taken together, the sum total of microcuries of all the radionuclides (including those which are decay products of others present) does not exceed 100.

Conditions of exemption

5.—(1) The conditions to which Article 3 of this order refers are—

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

(*b*) 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 Minister as soon as practicable; and

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

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

(i) that the immediate container or the bonding forming part of an incorporated source which is a sealed 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 therein,

notification to that effect is given forthwith, by the quickest means available, to the Minister, and, unless the notification so given to him is in writing, confirmed to him in writing as soon as practicable.

(2) Nothing in the preceding paragraph shall be taken to have effect in relation to the breaking of a sealed container for the purpose of complying with the condition specified in sub-paragraph (a) of Article 6(1) of this order.

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

Exclusion of radioactive waste from section 6 of the Act

6.—(1) Gaseous waste which is radioactive waste solely because it comprises or contains krypton 85 in or from a fire detector is hereby excluded from the provisions of section 6(1) of the Act (which relates to the disposal of radioactive waste), subject to the conditions that—

(*a*) except where it is disposed of as part of the waste described in the next paragraph, it is disposed of by breaking its sealed container in the open air and allowing it to escape into the atmosphere; and

(*b*) in any one week, not more than ten sealed containers are broken on the premises so as to allow the gas to escape.

(2) Radioactive waste consisting of an article which, immediately before it became waste, was a fire detector falling within Article 4 of this order 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*) a person who is authorised under section 6(3) of the Act to dispose of radioactive waste of the same description; or

(*b*) a manufacturer of fire detectors of the same description as the waste.

Revocation

7. The Radioactive Substances (Fire Detectors) Exemption Order 1962(a) is hereby revoked.

Given under the official seal of the Minister of Housing and Local Government on 1st December 1967.

(L.S.)

Anthony Greenwood,
Minister of Housing and Local Government.

(a) S.I. 1962/2640 (1962 III, p. 3565).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which has been made by the Minister of Housing and Local Government in consultation with the Secretary of State for Wales, 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 fire detectors affixed or attached to premises and incorporating closed sources possessing limited radioactivity.

It also excludes conditionally from section 6(1) of that Act (which prohibits the disposal 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 fire detectors exempted by the Order.

The Order revokes and replaces the Radioactive Substances (Fire Detectors) Exemption Order 1962 and reproduces the provisions of that Order without any amendment of substance except for the raising of the limits of radioactivity of incorporated sources containing krypton 85 and the exclusion from section 6(1) of the Act of gaseous waste containing krypton 85 and arising in such sources.