STATUTORY INSTRUMENTS

# 1962 No. 2770 (S. 130)

# ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

## The Radioactive Substances (Fire Detectors) Exemption (Scotland) Order 1962

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| *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) 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 (Fire Detectors) 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;

"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;

"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 to the interpretation of this order as it applies to 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 fire detector which—

(*a*) is affixed or attached to premises; and

(*b*) is radioactive material solely because it incorporates a closed source or closed sources which contains or all of which, taken together, contain not more than one hundred microcuries, in the aggregate, of all the radionuclides present, including radionuclides which are decay products of other radionuclides present.

*Conditions of exemption*

**5.** 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 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; 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 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.

*Exclusion of radioactive waste from section 6 of the Act*

**6.** 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 (which

relates to the disposal of radioactive waste), subject to the condition that it is disposed of by sending it to, or causing or permitting its removal by, a manufacturer of fire detectors of the same description as the waste.

*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 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 from section 6 (1) of that Act (which prohibits the disposal of radioactive waste without authorisation) "radioactive waste" within the meaning of section 18 (4) of that Act consisting of fire detectors exempted by the order, on condition that the disposal is to a manufacturer of fire detectors of the same description.