STATUTORY INSTRUMENTS

1962 No. 2771 (S. 131)

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Geological Specimens) 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 (Geological Specimens) 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 ;

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

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

"month" means any period of four consecutive weeks ;

"the Schedule 3 elements" means the elements specified in column 1 of Schedule 3 to the Act ; and

"weight" means weight ascertained by weighing or, where it is not reasonably practicable to ascertain weight by weighing, weight as calculated by any generally accepted method.

(2) For the purposes of Articles 6 and 7 (2) (*a*) and (*b*) 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 conditions in those Articles apply.

(3) 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

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

(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 limitation specified in Article 5 of this order and to the condition specified in Article 6.

Description of radioactive material to which exemption relates

4. The last preceding Article applies to any specimen of a natural rock or of a natural mineral in solid form which—

(*a*) contains uranium or thorium or both uranium and thorium; and

(*b*) is radioactive material solely because of the presence of one or more of the Schedule 3 elements,

being a specimen in which the number of microcuries of any of the decay products of uranium 238 does not exceed the number of microcuries of uranium 238, the number of microcuries of any of the decay products of uranium 235 does not exceed the number of microcuries of uranium 235 and the number of microcuries of any of the decay products of thorium 232 does not exceed the number of microcuries of thorium 232.

Limitation of exemption

5. The limitation to which Article 3 of this order refers is that the exemption is granted in respect of the keeping and use of a specimen for one or both of the following purposes only, that is to say—

(*a*) displaying it or demonstrating or investigating its characteristics;

(*b*) sale.

Condition of exemption

6. The condition to which Article 3 of this order refers is that the weight of all the uranium and thorium contained in all the specimens falling within Article 4 of this order present on the premises at any one time does not, in the aggregate, exceed one hundred kilogrammes.

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

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

(*a*) waste which, immediately before it became waste, was or formed part of an exempted specimen substantially insoluble in water;

(*b*) a solid substance, or an article, which is radioactive waste solely because it has been contaminated in the course of the keeping or use of an exempted specimen substantially insoluble in water, or by contact with or proximity to other waste falling within the preceding sub-paragraph or this sub-paragraph;

(*c*) waste which, if it were not waste, would be radioactive material (other than an exempted specimen) consisting of a solid or liquid substance arising solely from the use of an exempted specimen (and no other radioactive material) for the purpose specified in Article 5 (*a*) of this order;

(*d*) a solid or liquid substance, or an article, which is radioactive waste solely because it has been contaminated by contact with or proximity to other waste falling within the last preceding sub-paragraph or this sub-paragraph,

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 specified in paragraph (2) of this Article.

(2) The conditions to which the preceding paragraph refers are—

(*a*) that, if the waste falls within sub-paragraph (*a*) or sub-paragraph (*b*) of that paragraph, the weight of all the uranium and thorium contained in all the waste falling within those sub-paragraphs disposed of in any one day on or from the premises does not, in the aggregate, exceed one hundred grammes;

(*b*) that, if the waste falls within sub-paragraph (*c*) or sub-paragraph (*d*) of that paragraph, the weight of all the uranium and thorium contained in all the waste falling within those sub-paragraphs disposed of in any one month on or from the premises does not, in the aggregate, exceed two grammes;

(*c*) that, if the waste is solid, it is disposed of by one of the following means, that is to say—

(i) causing or permitting its removal as refuse by a local authority or their contractors;

(ii) depositing it, or causing or permitting its removal (by persons other than a local authority or their contractors) for deposit, at, on or in a tip, dump or pit used solely for the deposit of substantial quantities of refuse most of which is not radioactive waste; and

(*d*) that, if it is solid waste disposed of by deposit at, on or in a place referred to in sub-paragraph (*c*) (ii) of this paragraph, it is not deposited in a part of that place which is a part used solely for the deposit of radioactive waste.

(3) Where it is waste which has been received for disposal as refuse by a local authority or their contractors, solid radioactive waste falling within paragraph (1) of this Article is hereby excluded from the provisions of section 6 (3) of the Act absolutely.

(4) Where it is waste which has been received (by persons other than a local authority or their contractors) for disposal by deposit at, on or in a place referred to in paragraph (2) (*c*) (ii) of this Article, solid radioactive waste falling within paragraph (1) of this Article is hereby excluded from the provisions of section 6 (3) of the Act, subject to the conditions that—

(*a*) it is disposed of by deposit at, on or in such a place; and

(*b*) it is not deposited in a part of any such place which is a part used solely for the deposit of radioactive waste.

(5) Radioactive waste falling within paragraph (1) of 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 conditionally from registration under section 1 of the Radioactive Substances Act 1960 in respect of the keeping and use, for specified purposes, of "radioactive material" within the meaning of section 18 (1) of that Act consisting of specimens of natural rocks or natural minerals containing uranium or thorium or both uranium and thorium.

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 (including insoluble solids) arising directly or indirectly from the keeping or use of specimens exempted by the order.