STATUTORY INSTRUMENTS

1963 No. 1879 (S. 96)

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Hospitals' Waste) Exemption (Scotland) Order 1963

Made - - - -	19*th November* 1963
Laid before Parliament	27*th November* 1963
Coming into Operation	1*st December* 1963

In exercise of the powers conferred on me by sections 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 (Hospitals' Waste) Exemption (Scotland) Order 1963, 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 1947 " means the National Health Service (Scotland) Act 1947(b) ;

" alpha emitters " means radionuclides (including those which are decay products of others present) which emit alpha particles ;

" beta/gamma emitters " means radionuclides (including those which are decay products of others present) which do not emit alpha particles ;

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

" drainage system " means, in relation to any premises, any drainage system which is normally used for the disposal of foul water arising on the premises ;

" exempted waste " means radioactive waste falling within Article 3(1) of this order ;

" liquid exempted waste " means exempted waste consisting of a liquid with or without solid matter in suspension therein ;

" premises of a hospital " means premises falling within any of the following descriptions, that is to say—

(*a*) premises of a hospital with respect to the management and control whereof any functions are exercised by a Board of Management ;

(*b*) premises of a hospital within the meaning of section 80 of the Act of 1947, being premises maintained or controlled by an authority or body constituted by special Act of Parliament or incorporated by Royal Charter ;

(a) 8 & 9 Eliz. 2. c. 34. (b) 10 & 11 Geo. 6. c. 27.

(*c*) a nursing home registered or exempted from registration under the Nursing Homes Registration (Scotland) Act 1938(a);

(*d*) a private hospital within the meaning of the Mental Health (Scotland) Act 1960(b);

"public sewer" means any sewer provided, constructed or maintained under any provision of the Public Health (Scotland) Act 1897(c), or of the Burgh Police (Scotland) Acts 1892 to 1903(d) or under any corresponding provision of a local enactment, or vested in a local authority under any of these provisions;

"registered medical practitioners" means persons who are fully registered persons within the meaning of the Medical Act 1956(e);

"residual ash" includes cinders and other debris;

and any reference to the sum total of microcuries or of millicuries of beta/gamma emitters is a reference to the sum total ascertained by measuring by any generally accepted method or, where it is not reasonably practicable to ascertain the sum total by measuring, the sum total estimated in any generally accepted manner.

(2) For the purposes of paragraphs (2)(*d*)(i), (3)(*b*) and (4) of Article 3 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 paragraphs apply.

(3) The Interpretation Act 1889(f) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Exclusion of radioactive waste from section 6 of the Act

3.—(1) Subject to the provisions of paragraphs (2), (3) and (4) of this Article, solid and liquid radioactive waste which arises on the premises of a hospital, contains no strontium 90 and no alpha emitters and falls within any one or more of the following descriptions, that is to say—

(*a*) waste which, immediately before it became waste, was radioactive material kept or in use on the premises for the medical treatment of human patients or for supply to human patients or to registered medical practitioners;

(*b*) human excreta;

(*c*) a substance, or an article, which is radioactive waste solely because it has been contaminated in the course of the keeping or use of radioactive material on the premises for the medical treatment of human patients or for supply to human patients or to registered medical practitioners, or by contact with or proximity to other waste falling within this paragraph;

(*d*) residual ash arising from the burning of other waste falling within this paragraph,

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

(2) Solid exempted waste is so excluded subject to the conditions specified in paragraph (4) of this Article, and to the conditions that—

(*a*) the waste is disposed of on or from the premises by any of the following means, that is to say—

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

(a) 1 & 2 Geo. 6. c. 73. (b) 8 & 9 Eliz. 2. c. 61. (c) 60 & 61 Vict. c. 38.
(d) 55 & 56 Vict. c. 55; 1 Edw. 7. c. 24; 3 Edw. 7. c. 33. (e) 4 & 5 Eliz. 2. c. 76.
(f) 52 & 53 Vict. c. 63.

(ii) by 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 for the deposit in substantial quantities of refuse which is not radioactive waste;

(iii) by burning it on the premises;

(iv) by removing it, or causing or permitting its removal, to other premises which are premises of a hospital, for the purpose of its being disposed of by burning on those premises;

(*b*) if the waste is to be disposed of by either of the means mentioned in sub-paragraph (*a*)(i) and (ii) of this paragraph, it is, immediately before disposal by that means, in one or more containers in each of which—

(i) the volume of the refuse (whether or not consisting wholly of exempted waste) is not less than 3 cubic feet;

(ii) the sum total of microcuries of all the beta/gamma emitters in the exempted waste does not exceed 10; and

(iii) the sum total of microcuries of all the beta/gamma emitters in any one article constituting or comprised in the exempted waste does not exceed 1;

(*c*) if the waste is disposed of by deposit at, on or in a place referred to in sub-paragraph (*a*)(ii) of this paragraph, it is not deposited in a part of that place which is a part in use for the deposit of radioactive waste only; and

(*d*) if the waste is disposed of by burning it on the premises—

(i) in all the exempted waste burnt on the premises in any one day, the sum total of microcuries of all the beta/gamma emitters does not exceed 30; and

(ii) the waste is burnt at such a place and in such a manner as to ensure that the gas or vapour arising from the burning will be discharged into the open air at such points and in such a manner as to prevent, so far as is reasonably practicable, the entry of the gas or vapour into any part of any premises.

(3) Liquid exempted waste is so excluded subject to the conditions specified in paragraph (4) of this Article and to the conditions that—

(*a*) the waste is disposed of on or from the premises by discharging it into a drainage system; and

(*b*) in all the liquid exempted waste disposed of on or from the premises in any one period of four consecutive weeks by that means so as to pass into a public sewer, the sum total of millicuries of all the beta/gamma emitters does not exceed 10, and in all the liquid exempted waste so disposed of in any one such period so as not to pass into a public sewer, the sum total of millicuries of all the beta/gamma emitters does not exceed 2.

(4) The further conditions subject to which exempted waste, whether solid or liquid, is so excluded are—

(*a*) that records are kept, and retained for inspection by any person authorised by the Secretary of State in that behalf, showing—

(i) the dates upon which the waste was disposed of on or from the premises; and

(ii) the sum total of microcuries of all the beta/gamma emitters in all the exempted waste disposed of on or from the premises in any one day by the means mentioned in paragraphs (2)(*a*)(i),(ii) and (iii) and (3)(*a*) of this Article, the sum total in respect of each of the means so mentioned being shown separately; and

(*b*) that, within a period of seven days from the date upon which the first disposal of exempted waste takes place on or from the premises after the commencement of this order, notification of that disposal in writing is given to the Secretary of State at the Scottish Development Department, St. Andrew's House, Edinburgh.

(5) Any solid exempted waste received by a local authority or their contractors for the purpose of its being disposed of by them is hereby excluded from the provisions of section 6(3) of the Act absolutely.

(6) Any solid exempted waste received by persons other than a local authority or their contractors for the purpose of its being disposed of by them by deposit at, on or in a place referred to in paragraph 2(*a*)(ii) of this Article is hereby excluded from the provisions of section 6(3) of the Act, subject to the conditions that—

(*a*) the waste is deposited at, on or in such a place; and

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

(7) Any solid exempted waste received for the purpose of its being disposed of by burning on the premises of a hospital to which it has been removed for that purpose is hereby excluded from the provisions of section 6(3) of the Act, subject to the condition that it is disposed of by burning it on those premises in compliance with the conditions specified in paragraph (2)(*d*) of this Article.

Exclusion of radioactive waste from section 7 of the Act

4.—(1) Exempted waste which is accumulated on the premises of a hospital is hereby excluded from the provisions of section 7(1) of the Act (which relates to the accumulation of radioactive waste), subject to the conditions that—

(*a*) it is contained in a closed container; and

(*b*) it is disposed of within a period of two weeks beginning with the date upon which its accumulation began.

(2) Solid exempted waste received—

(*a*) by a local authority or their contractors; or

(*b*) by persons other than a local authority or their contractors for the purpose of its being disposed of by them by deposit at, on or in a place referred to in Article 3(2)(*a*)(ii) of this order,

is hereby excluded from the provisions of section 7(1) of the Act, 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.
19th November 1963.

EXPLANATORY NOTE

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

This order excludes (in most cases conditionally) from sections 6(1) and (3) and 7(1) of the Radioactive Substances Act 1960 (which prohibit the disposal and accumulation of radioactive waste without authorisation) solid and liquid " radioactive waste " within the meaning of section 18(4) of that Act containing no strontium 90 or alpha emitters and arising directly or indirectly from the keeping or use of radioactive material, on the premises of certain hospitals and nursing homes, for the medical treatment of patients or for supply to patients or to registered medical practitioners.