STATUTORY INSTRUMENTS

1985 No. 1048

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Luminous Articles) Exemption Order 1985

Made - - - -	8*th July* 1985
Laid before Parliament	17*th July* 1985
Coming into Operation	17*th September* 1985

The Secretary of State, in exercise of powers conferred 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 him in that behalf, hereby makes the following order:—

Citation, commencement, application and interpretation

1.—(1) This order may be cited as the Radioactive Substances (Luminous Articles) Exemption Order 1985, and shall come into operation on 17th September 1985.

(2) This order applies to England, Wales and Scotland.

(3) In this order—

"the Act" means the Radioactive Substances Act 1960;

"activity", expressed in becquerels, means the number of spontaneous nuclear transformations occurring in a period of one second in a radioactive substance;

"Class A article" means an instrument, illuminant or indicator which is luminous and satisfies the following criteria:—

(a) it is radioactive material solely because it is made wholly or partly from, or incorporates, a luminescent substance which,—

(i) is substantially insoluble in water;

(ii) is in the form of a film or a paint of such a nature and so applied as to adhere, in normal usage, to any surface to which it has been applied; and

(iii) includes no radionuclides other than promethium 147 or tritium or decay products thereof; and

(b) the number of becquerels of activity of a radionuclide and its decay products contained in the luminescent substance from which it is made or which is incorporated in it does not exceed the relevant number specified in column 2 of the Schedule hereto:

"Class B article" means a component of a clock, watch, instrument, illuminant or indicator which satisfies the two criteria set out in the preceding definition of a Class A article;

(a) 1960 c.34. The relevant powers are vested in the Secretary of State in relation to England and Wales by S.I. 1970/1681.

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

"luminous radioactive waste" means radioactive waste which is, at the time of its disposal, solid and—

(a) which, immediately before it became waste, was radioactive material in the form of a Class A or Class B article or part of such an article (whether or not incorporated in some other article); or

(b) which consists of waste which is radioactive waste solely because it has been contaminated by contact with, or proximity to, a Class A or Class B source or other waste which is radioactive waste because it has been so contaminated; and

"waste collection authority" and "waste disposal authority" mean respectively, collection and disposal authorities within the meaning of section 30 of the Control of Pollution Act 1974 (**a**).

Exemption from registration under section 1 of the Act

2. Subject to the conditions set out in Article 3, all persons are exempted from registration under section 1 of the Act in respect of the keeping and use on any premises of Class A and Class B articles.

Conditions attaching to exemption under article 2

3. The conditions mentioned in Article 2 are that—

(a) except when removed for cleaning, maintenance, testing or inspection, the luminescent paint or film in or on any Class A article on the premises shall be kept covered by glass or some other protective covering;

(b) the aggregate number of becquerels of activity of a radionuclide mentioned in column 1 of the Schedule hereto in all the Class B articles on the premises at any time does not exceed the relevant number mentioned in column 3; and

(c) except when removed for testing, inspection or incorporation as a component of another article, every Class B article on the premises is kept in a container clearly, legibly and indelibly marked with the words "radioactive luminous component".

Exclusion of luminous radioactive waste from section 6 (1) of the Act

4.—(1) Subject to the conditions set out in paragraph (2), luminous radioactive waste is hereby excluded from the provisions of section 6(1) of the Act (authorisation required to dispose of radioactive waste).

(2) The conditions mentioned in paragraph (1) are—

(a) that the waste is disposed of—

(i) by removal as refuse by a waste collection authority or its contractor;

(ii) by despatch to, or by removal by, a person authorised under section 6(3) of the Act to dispose of such waste; or

(iii) by despatch to, or removal by, a manufacturer of Class A or Class B articles; and

(b) that where such waste is disposed of by removal by a waste collection authority or its contractor—

(**a**) 1974 c.40.

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

(ii) in aggregate not more than 10, or parts of 10, former Class A and Class B articles are disposed of from the premises in this manner in any week.

Exclusion of luminous radioactive waste from section 6(3) of the Act

5. Luminous radioactive waste received by a waste collection authority or its contractor is hereby excluded from the provisions of section 6(3) of the Act (authorisation required for the disposal of radioactive waste by persons receiving it for disposal) subject to the condition that it is dispersed in other refuse.

Accumulation of waste

6. Luminous radioactive waste is hereby excluded from the provisions of section 7(1) of the Act (restrictions on the accumulation of radioactive waste) subject, except in the case of an accumulation by a waste collection or disposal authority or a manufacturer of Class A or B articles, to the conditions that—

(a) where the waste is to be removed by a waste collection authority or its contractor—

(i) it is dispersed in refuse which is non-radioactive waste; and

(ii) the refuse in which it is dispersed is removed as soon as practicable and in any event within 2 weeks after the accumulation begins; and

(b) in any other case, it is disposed of as soon as practicable in a way mentioned in Article 4(2)*(a)* (ii) or (iii) of this order.

Revocation

7. The Radioactive Substances (Luminous Articles) Exemption Order 1962 (**a**) and the Radioactive Substances (Luminous Articles) Exemption (Scotland) Order 1962 (**b**) are hereby revoked.

(**a**) S.I. 1962/2644. (**b**) S.I. 1962/2761.

SCHEDULE

1	2	3
Radionuclide	Maximum number of becquerels in luminescent substance incorporated in an article (Class A or Class B)	Maximum aggregate number of becquerels in luminescent substance incorporated in all Class B articles on the premises
Promethium 147	8×10^7	4×10^9
Tritium	4×10^9	2×10^{11}

Patrick Jenkin,
Secretary of State for the Environment.

27th June 1985.

George Younger,
Secretary of State for Scotland.

1st July 1985.

Nicholas Edwards,
Secretary of State for Wales.

8th July 1985.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order which extends to England, Wales and Scotland, is concerned with exemptions and exclusions under the Radioactive Substances Act 1960 in respect of radioactive luminous instruments and indicators.

Article 2 provides a general exemption from registration under section 1 of the Act in respect of the keeping and use of such articles on any premises, subject to the conditions set out in Article 3.

Articles 4 and 6 exclude radioactive waste arising from the keeping or use of such articles from the provisions of sections 6(1) and 7(1) (which require a person to secure authorisation before disposing or accumulating of such waste). The exclusion is limited to waste disposed of through a waste collection authority or its contractor, or to a person authorised under the Act to receive such waste or a person manufacturing similar radioactive articles or components.

Article 5 provides that no authorisation is required under section 6(3) of the Act for the further disposal of waste mentioned in the previous paragraph which is received by a local waste collection authority and mixed with other refuse.

This order replaces the orders mentioned in Article 7. Luminous articles containing radioactive tritium gas which were also the subject of the revoked orders are the subject of the Radioactive Substances (Gaseous Tritium Light Devices) Exemption Order 1985 (S.I. 1985/1047) which comes into operation concurrently with this order. Measurements of radioactivity, which formerly were specified in curies are now specified in becquerels, following adoption of the International System of Units (SI Units). Approximate equivalents in curies to values specified in the order are—

80 megabecquerels	= 0.002 curies
4 gigabecquerels	= 0.108 curies
200 gigabecquerels	= 5.4 curies

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