1962. No. 251 **[C]**

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Luminous Articles) Exemption Order (Northern Ireland), 1962

ORDER, DATED 21ST DECEMBER, 1962, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 2(6) AND (7), 4(2) AND (3), 6(5) AND 7(4) OF THE RADIOACTIVE SUBSTANCES ACT, 1960.

The Ministry of Health and Local Government, in exercise of the powers conferred on it by Sections 2(6) and (7), 4(2) and (3), 6(5) and 7(4) of the Radioactive Substances Act, 1960(**a**), and of every other power enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Radioactive Substances (Luminous Articles) Exemption Order (Northern Ireland), 1962, and shall come into operation on the 1st day of December, 1963.

Interpretation

2.—(1) In this Order—

"the Act" means the Radioactive Substances Act, 1960;

"class A article" means a luminous article falling within the description in paragraph (*a*) of Article 4;

"class B article" means a luminous component falling within the description in paragraph (*b*) of Article 4;

"class C article" means a luminous article falling within the description in paragraph (*c*) of Article 4;

"class D article" means a luminous article falling within the description in paragraph (*d*) of Article 4;

"class E article" means a luminous component falling within the description in paragraph (*e*) of Article 4;

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

"refuse disposal authority" means a local authority within the meaning of the Public Health Acts (Northern Ireland), 1878 to 1962, acting in pursuance of statutory powers or duties relating to the removal and disposal of refuse.

(2) For the purposes of sub-paragraph (i) of Article 6(2), sub-paragraph (iii) of Article 8(1) and sub-paragraph (*b*) of Article 8(4), 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 sub-paragraphs apply.

(3) The Interpretation Act (Northern Ireland), 1954(**b**), applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(**a**) 8 & 9 Eliz. 2. c. 34. (**b**) 1954. c. 33.

Exemption from registration under Section 1 of the Act

3. Subject to the provisions of Articles 5 and 6, 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 material.

Descriptions of radioactive material to which exemption relates

4. Article 3 applies to radioactive material consisting of a luminous article falling within any of the following descriptions,—

(*a*) an illuminant, instrument, sign or indicator which is radioactive material solely because it is made wholly or partly from, or incorporates, a luminescent substance which—

(i) is either in the form of glass, vitreous enamel or a similarly hard and coherent substance or in the form of a paint or film of such a nature and so incorporated as to adhere, during normal usage, to any surface to which it has been applied; and

(ii) is substantially insoluble in water,

being a substance in which there are no radionuclides other than one or more of those specified in column 1 of Schedule 1 and its or their decay products, the number of millicuries of any such radionuclide not exceeding the number specified opposite its name in column 2 of that Schedule and the number of millicuries of any of the decay products of any such radionuclide not exceeding the number of millicuries of that radionuclide;

(*b*) a component of a clock, watch or other instrument, or of an illuminant, sign or indicator, being a component which is radioactive material solely because it is made wholly or partly from, or incorporates, a luminescent substance falling within the description in paragraph (*a*);

(*c*) an illuminant, instrument, sign or indicator which is radioactive material solely because it incorporates, in a sealed container containing a luminescent substance and so constructed as to withstand normal usage without breaking, a gas which contains no radionuclides other than one of those specified in column 1 of Schedule 2, the number of millicuries of that radionuclide not exceeding the number specified opposite its name in column 2 of that Schedule;

(*d*) an article which—

(i) falls within the description in paragraph (*a*) or paragraph (*c*) save in so far as that description relates to the maximum number of millicuries of a radionuclide or decay product; and

(ii) is installed or awaiting installation in any vehicle or equipment used or to be used solely for the purposes of any naval, military or air force, or in any vessel or aircraft;

(*e*) a component of a clock or other instrument installed or awaiting installation as mentioned in sub-paragraph (ii) of paragraph (*d*), or of an illuminant, sign or indicator so installed or waiting installation, being a component which is radioactive material solely because it is made wholly or partly from, or incorporates, a luminescent substance falling within the description in paragraph (*a*) save in so far as that description relates to the maximum number of millicuries of a radionuclide or decay product.

Exemption under Section 1 without limitation or condition

5. The exemption granted by Article 3 in respect of the keeping and use of—

(*a*) a class A article made wholly or partly from, or incorporating, a luminescent substance in the form of glass, vitreous enamel or a similarly hard and coherent substance;

(*b*) a class C article; and

(*c*) a class D article,

is granted without any limitation or condition.

Exemption under Section 1 subject to conditions

6.—(1) The exemption granted by Article 3 in respect of the keeping and use of a class A article incorporating a luminescent substance in the form of a paint or film is granted subject to the condition that all the paint or film is covered by glass or other protective covering (except when the covering is removed for any necessary cleansing, maintenance, testing or inspection of the article).

(2) The exemption granted by Article 3 in respect of the keeping and use of—

(*a*) a class B article; and

(*b*) a class E article,

is granted subject to the conditions that—

(i) in all the class B and class E articles, taken together, present on the premises at any one time, the number of millicuries of any radionuclide specified in column 1 of Schedule I does not exceed, in the aggregate, the number specified opposite its name in column 3 of that Schedule; and

(ii) until it is incorporated in the article of which it is to form part, the component is kept in a container (except when removed for any necessary testing or inspection) marked with, or having attached or affixed to it a label bearing the words "radioactive luminous component" in letters of adequate size, distinctly and legibly printed and conspicuously visible.

Exemption from registration under Section 3 of the Act

7.—(1) Subject to the provisions of paragraphs (2) and (3), any person is hereby granted exemption from registration under Section 3 of the Act (which provides for the registration of mobile radioactive apparatus) in respect of mobile radioactive apparatus consisting of a class A article or a class C article.

(2) The exemption granted by paragraph (1) in respect of—

(*a*) apparatus consisting of a class A article made wholly or partly from, or incorporating a luminescent substance in the form of glass, vitreous enamel or a similarly hard and coherent substance; and

(*b*) apparatus consisting of a class C article,

is granted without any limitation or condition.

(3) The exemption granted by paragraph (1) in respect of apparatus consisting of a class A article incorporating a luminescent substance in the form of a paint or film is granted subject to the condition specified in pararaph (1) of Article 6.

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

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

(*a*) waste which, immediately before it became waste, consisted of class A articles or class B articles;

(*b*) parts of such articles;

(*c*) substances or articles which are radioactive waste solely because they have been contaminated in the course of the keeping or use of such articles, or by contact with or proximity to other waste falling within either of the preceding sub-paragraphs or this sub-paragraph,

is hereby excluded from the provisions of Section 6(1) and (2) of the Act (which relates to the disposal of radioactive waste) subject to the conditions that—

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

(ii) the refuse in which it is dispersed is disposed of by causing or permitting its removal by a refuse disposal authority or their contractors; and

(iii) taking class A and class B articles together, not more than ten articles (whether whole or in parts and whether or not absorbed in, mixed with or adhering to other substances or articles are disposed of in any one week from the premises.

(2) Where it is waste which has been received as refuse by a refuse disposal authority or their contractors, radioactive waste falling within the preceding paragraph is hereby excluded—

(*a*) from the provisions of Section 6(3) of the Act, subject to the condition that it is dispersed in other refuse; and

(*b*) from the provisions of Section 7(1) of the Act (which relates to the accumulation of radioactive waste), subject to the conditions that—

(i) it is dispersed in other refuse; and

(ii) the refuse in which it is dispersed is disposed of as soon as practicable.

(3) Save where it is waste which has been received as refuse by a refuse disposal authority or their contractors, radioactive waste falling within paragraph (1) is hereby excluded from the provisions of Section 7(1) of the Act, subject to the conditions that—

(*a*) it is dispersed in other refuse which is not radioactive waste; and

(*b*) the refuse in which it is dispersed is disposed of as soon as practicable.

(4) Radioactive waste consisting of the gas incorporated in a class C article is hereby excluded from the provisions of Section 6(1) and (2) of the Act, subject to the conditions that—

(*a*) 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.

SCHEDULE 1

1	2.	3.
Radionuclide	*Maximum number of millicuries in luminescent substance incorporated by article*	*Maximum aggregate number of millicuries in luminescent substance incorporated by all components on premises*
Radium 226	0·001	0·05
Americium 241 ..	0·003	0·15
Promethium 147 ..	2	100
Tritium	100	5,000

SCHEDULE 2

1.	2.
Radionuclide	*Number of millicuries in gas incorporated by article*
Tritium	2,000
Krypton 85	250

Sealed with the Official Seal of the Ministry of Health and Local Government this 21st day of December, nineteen hundred and sixty-two.

(L.S.) *Wm. J. Morgan,*
Minister of Health and Local Government.

EXPLANATORY NOTE

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

This Order exempts persons (in some cases conditionally)—

(*a*) from registration under Section 1 of the Radioactive Substances Act, 1960, in respect of the keeping and use of luminous instruments, certain other luminous articles and luminous components of clocks and watches and other articles, which are "radioactive material" within the meaning of Section 18(1) of that Act because they are made from or contain luminescent material of the kind described in the Order or a specified radioactive gas which renders other material luminescent; and

(*b*) from registration under Section 3 of that Act in respect of "mobile radioactive apparatus" within the meaning of Section 18(5) of that Act consisting of certain kinds of luminous articles described in the Order.

It also excludes conditionally from Sections 6(1), (2) and (3) and 7(1) of that Act (which prohibit the disposal and accumulation of radioactive waste