STATUTORY INSTRUMENTS

1962 No. 2769 (S. 129)

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Phosphatic Substances, Rare Earths etc.) 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), 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 (Phosphatic Substances, Rare Earths etc.) 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;

"exempted substance" and "exempted article" mean, respectively, a substance and an article falling within Article 4 of this order;

"the listed elements" means the elements listed in the Schedule to this order; and

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

(2) 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 (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, without any limitation or condition.

Descriptions of radioactive material to which exemption relates

4. The last preceding Article applies to radioactive material falling within any of the following descriptions, that is to say—

(*a*) a substance which is radioactive material solely because of the presence of one or more of the Schedule 3 elements, being—

(i) a solid or liquid substance in which the number of microcuries of each of the Schedule 3 elements present, divided by the number of grammes which the substance weighs, does not exceed 4×10^{-4}; or

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

(ii) a solid or liquid substance which consists mainly of one or more of the listed elements or of a compound or compounds of one or more of those elements, being a substance in which the number of microcuries of each of the Schedule 3 elements present, divided by the number of grammes which the substance weighs, does not exceed 1×10^{-3}; or

(iii) an alloy which is prepared by adding one or more of the listed elements to some other metal or metals (not being radioactive material) and in which the number of microcuries of each of the Schedule 3 elements present, divided by the number of grammes which the alloy weighs, does not exceed 1×10^{-3};

(*b*) an article made wholly from a substance falling within the preceding paragraph;

(*c*) an article which is made partly from, or incorporates, such a substance and which is radioactive material solely because of the presence of that substance;

(*d*) a lighter flint which is made partly from, or incorporates, one or more of the listed elements and which is radioactive material solely because of the presence of one or more of the Schedule 3 elements.

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

5. Radioactive waste falling within any of the following descriptions, that is to say—

(*a*) waste which, if it were not waste, would be a solid exempted substance substantially insoluble in water or an exempted article made wholly or partly from, or incorporating, such a substance;

(*b*) liquid waste consisting of water in which are suspended particles of a solid substance which, immediately before it became waste, was a solid exempted substance substantially insoluble in water, being waste which is radioactive waste solely because of the presence of those particles;

(*c*) waste which, if it were not waste, would be radioactive material (other than an exempted substance) consisting of a solid substance substantially insoluble in water, being waste arising solely from the use of an exempted substance (and no other radioactive material) in the preparation of an alloy falling within paragraph (*a*) (iii) of the last preceding Article;

(*d*) 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 a solid exempted substance of the kind referred to in paragraph (*a*) of this Article or an exempted article of the kind referred to in that paragraph, or by contact with or proximity to other waste falling within any of the preceding paragraphs or this paragraph,

is hereby excluded from the provisions of section 6 (1) and (3) of the Act (which relates to the disposal of radioactive waste) and section 7 (1) of the Act (which relates to the accumulation of radioactive waste) absolutely.

Michael Noble,
One of Her Majesty's
Principal Secretaries of State.

St. Andrews House,
Edinburgh, 1.
18th December 1962.

SCHEDULE

Titanium
Yttrium
Zirconium
Niobium
Lanthanum
Cerium
Praseodymium
Neodymium
Samarium
Europium
Gadolinium
Terbium
Dysprosium
Holmium
Erbium
Thulium
Ytterbium
Lutecium
Hafnium

EXPLANATORY NOTE

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

This order exempts persons unconditionally 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 substances (including certain phosphatic substances) containing limited amounts of elements specified in Schedule 3 to that Act, and certain other substances (including rare earths) containing amounts of those elements up to higher limits and articles (including lighter flints) made from such substances.

It also excludes unconditionally 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 (comprising mainly insoluble solids) arising directly or indirectly from the keeping or use of substances or articles exempted by the order.