1963 No. 1878 (S. 95)

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Schools etc.) 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 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 (Schools etc.) 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 ;

" bonded plutonium source " means an article free from patent defect consisting of a layer of radioactive material, being material which contains plutonium and in which the sum total of microcuries of all the radionuclides (including those which are decay products of others present) does not exceed 0·2, bonded to a layer of coherent, inert and tough material which is not radioactive material ;

" closed source " means a bonded plutonium source, a homogeneous source, a laminated source or a sealed source ;

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

" exempted premises " means premises which are used for the purposes of an exempted undertaking ;

" exempted source " means a closed source falling within Article 5(*a*) of this order or an open source falling within Article 5(*b*), and includes such a source incorporated in an article falling within Article 5(*c*), and " exempted closed source " and " exempted open source " shall be construed accordingly ;

" exempted undertaking " means an undertaking of the class specified in Article 4 of this order ;

" homogeneous source " means an article free from patent defect which—

(*a*) is made wholly from a substance which—

(i) is solid, coherent, homogeneous and tough ; and

(ii) is radioactive material or a mixture of radioactive material and material which is not radioactive material,

(a) 8 & 9 Eliz. 2. c. 34.

being a substance in which the radionuclides (including those which are decay products of others present) do not emit alpha particles and in which the sum total of microcuries of all the radionuclides (including decay products as aforesaid) does not exceed 10; or

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

"laminated source" means an article free from patent defect consisting of a layer of coherent radioactive material sandwiched between and securely bonded to layers of coherent, inert and tough material which is not radioactive material;

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

"open source" means a substance which is not and does not form part of a closed source;

"police force" has the same meaning as in the Police (Scotland) Act 1956(**a**);

"sealed source" means radioactive material sealed in a container (otherwise than solely for the purpose of storage, transport or disposal) or bonded wholly within material, the immediate container or the bonding being of adequate mechanical strength and free from patent defect and not being radioactive material, and includes the immediate container or the bonding;

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

(2) For the purposes of paragraphs (*a*), (*b*), (*c*) and (*h*) of Article 7 of this order and paragraphs (2)(*c*), (3)(*b*) and (4)(*b*) of Article 9, 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(**b**) applies for the interpretation of this order as it applies for 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 an undertaking carried on by him, being an undertaking of the class specified in Article 4 of this order, 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, subject to the limitation specified in Article 6 of this order and to such of the conditions specified in Article 7 as are applicable.

(**a**) 4 & 5 Eliz. 2. c. 26. (**b**) 52 & 53 Vict. c. 63. w

Class of undertakings to which exemption relates

4. The last preceding Article refers to any undertaking for the provision of education or instruction in the furtherance of the objects of an institution of any of the following descriptions, that is to say—

(*a*) a school which, within the meaning of the Education (Scotland) Act 1962(a), is under the management of an education authority, or in respect of which grants are made by the Secretary of State to the governing body thereof, or which, being an independent school within the meaning of the said Act, is so registered with the Registrar of Independent Schools;

(*b*) a college of education as defined in section 145 of the said Act;

(*c*) an institution for providing further education which is under the management of an education authority, or in respect of which grants are made by the Secretary of State.

Descriptions of radioactive material to which exemption relates

5. Article 3 of this order applies to radioactive material falling within any of the following descriptions, that is to say—

(*a*) a closed source in which the number of microcuries of each of the decay products of any radionuclide present does not at any time exceed the number of microcuries of that decay product which could be present at that time through radioactive decay occurring in that source;

(*b*) an open source in which—

(i) there is no strontium 90; and

(ii) the radionuclides (including those which are decay products of others present) do not emit alpha particles;

(*c*) an article which is radioactive material solely because it incorporates a source which, or sources each of which, falls within either of the preceding paragraphs,

not being, as respects any person to whom exemption is granted by Article 3 of this order in respect of any premises, radioactive material in respect of the keeping and use of which, on those premises, that person is for the time being registered under section 1 of the Act, or exempted otherwise than by that Article from registration under that section.

Limitation of exemption

6. The exemption granted by Article 3 of this order is granted in respect of the keeping and use of the material for the purposes of the exempted undertaking only.

Conditions of exemption

7. The conditions to which Article 3 of this order refers are—

(*a*) that, subject to the next following condition, the sum total of millicuries of all the radionuclides (excluding, in the case of exempted closed sources, those which are decay products of others present) in all the exempted sources on the premises at any one time does not exceed 4;

(*b*) that the sum total of millicuries of all the radionuclides (including those which are decay products of others present) in all the exempted open sources on the premises at any one time does not exceed 2;

(*c*) that the sum total of millicuries of all the radionuclides (including those which are decay products of others present) in all the exempted open sources brought on to the premises in any one period of four consecutive weeks does not exceed 2;

(a) 10 & 11 Eliz. 2. c. 47.

(*d*) that no material (whether radioactive or not) forming part of an exempted closed source is removed from that source;

(*e*) that no exempted closed source is mutilated;

(*f*) that, whenever there are reasonable grounds for believing or suspecting that an exempted source has been lost or stolen—

(i) notification to that effect is given forthwith, by the quickest means available, to a member of a police force, and in writing to the Secretary of State at the Scottish Development Department, St. Andrew's House, Edinburgh, as soon as practicable; and

(ii) all reasonably practicable measures are taken forthwith for the purpose of recovering that source;

(*g*) that, whenever there are reasonable grounds for believing or suspecting—

(i) that the immediate container or the bonding forming part of an exempted closed source is broken or damaged; or

(ii) that any material (whether radioactive or not) forming part of an exempted closed source has been removed from that source; or

(iii) that any radioactive material has become detached or has escaped from an exempted closed source because of some defect in that source,

notification to that effect is given forthwith, by the quickest means available to the Secretary of State at the Scottish Development Department, St. Andrew's House, Edinburgh and (unless the notification so given to him is in writing) confirmed to him in writing as soon as practicable; and

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

(i) the date upon which each exempted source was brought on to the premises, the date upon which it was removed therefrom, the address of the premises to which it was removed and the name of the occupier of those premises;

(ii) the name of, and the sum total of microcuries of, each of all the radionuclides (excluding, in the case of an exempted closed source, those which are decay products of others present) in that source at the time it was brought on to the premises and at the time it was removed therefrom;

(iii) the dates upon which radioactive waste falling within Article 8 or Article 9(1) or (4) of this order was disposed of on or from the premises and the name and address of the person to whom each waste source falling within Article 8 was sent or by whom it was removed; and

(iv) the sum total of microcuries of all the radionuclides (including those which are decay products of others present) in all the radioactive waste falling within Article 9(1) and disposed of on or from the premises in any one day by the means mentioned in Article 9(2)(*a*) and (3)(*a*), the sum total in respect of each of the means so mentioned being shown separately.

Exclusion of a certain description of radioactive waste from section 6 of the Act

8. Radioactive waste arising on exempted premises and consisting of waste sources each of which, immediately before it became waste, was an exempted

closed source kept or used on such premises for the purposes of the exempted undertaking, is hereby excluded from the provisions of section 6(1) of the Act (which relates to the disposal of radioactive waste), subject, as respects each such waste source, to the condition that it is disposed of by sending it to, or causing or permitting its removal by—

(*a*) a person who is authorised under section 6(3) of the Act to dispose of radioactive waste of a description to which the waste source belongs; or

(*b*) a person who, in the normal course of carrying on an undertaking, produces radioactive material of the same kind as the radioactive material forming or forming part of a closed source of the description to which the waste source would belong if it were not waste.

Exclusion of further descriptions of radioactive waste from section 6 of the Act

9.—(1) Subject to the provisions of paragraphs (2) and (3) of this Article, solid and liquid radioactive waste arising on exempted premises and falling within either or both of the following descriptions, that is to say—

(*a*) waste, which immediately before it became waste, was or formed part of an exempted open source kept or used on such premises for the purposes of the exempted undertaking;

(*b*) a 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 open source as aforesaid, or by contact with or proximity to other waste falling within this paragraph,

is hereby excluded from the provisions of section 6(1) of the Act.

(2) Solid waste falling within the preceding paragraph is so excluded subject to the conditions that—

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

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

(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;

(*b*) immediately before the waste is disposed of by either of those means, it is in one or more containers in each of which—

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

(ii) the sum total of microcuries of all the radionuclides (including those which are decay products of others present) in the waste does not exceed 10; and

(iii) the sum total of microcuries of all the radionuclides (including decay products as aforesaid) in any one article constituting or comprised in the waste does not exceed 1;

(*c*) in all the solid waste falling within paragraph (1) of this Article and disposed of on or from the premises in any one week by each of the means mentioned in sub-paragraph (*a*)(i) and (ii) of this paragraph, the sum total of microcuries of all the radionuclides (including those which are decay products of others present) does not exceed 10; and

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

(3) Liquid waste falling within paragraph (1) of this Article is so excluded subject to the conditions that—

(*a*) the waste is disposed of on or from the premises by discharging it into a drainage system normally used for the disposal of foul water arising on the premises; and

(*b*) in all the liquid waste falling within paragraph (1) of this Article and disposed of on or from the premises in any one week by that means, the sum total of microcuries of all the radionuclides (including those which are decay products of others present) does not exceed 500.

(4) Radioactive waste arising on exempted premises and consisting of a gas or vapour which, immediately before it became waste, was or formed part of an exempted open source kept or used on such premises for the purposes of the exempted undertaking, is hereby excluded from the provisions of section 6(1) of the Act, subject to the conditions that—

(*a*) the waste is disposed of by allowing it to escape into the open air; and

(*b*) in all the waste falling within this paragraph and disposed of on or from the premises in any one day by that means, the sum total of microcuries of all the radionuclides (including those which are decay products of others present) does not exceed 1.

(5) Any solid waste falling within paragraph (1) of this Article and 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 waste falling within paragraph (1) of this Article and 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.

Exclusion of radioactive waste from section 7 of the Act

10.—(1) Radioactive waste falling within Article 8 of this order which is accumulated on exempted premises 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 accumulated with a view to its subsequent disposal by the means mentioned in that Article, that means being available or about to become available; and

(*b*) it is disposed of by that means as soon as practicable,

and subject also to the conditions specified in Article 7(*d*) to (*g*) of this order which shall apply in relation to the waste as they apply in relation to exempted closed sources.

(2) Solid and liquid waste falling within Article 9(1) of this order which is accumulated on exempted premises is hereby excluded from the provisions of section 7(1) of the Act, subject to the conditions that—

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

(*b*) it is disposed of as soon as it is practicable to do so and in any event before the expiration of a period of two weeks beginning with the date upon which its accumulation began.

(3) Solid waste falling within Article 9(1) of this order and received—

(*a*) by a local authority or their contractors for the purpose of its being disposed of by them; 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 9(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 exempts persons conditionally from registration under section 1 of the Radioactive Substances Act 1960 in respect of the keeping and use on the premises of, and for the purposes of, certain schools, colleges of education and institutions for further education, of "radioactive material" within the meaning of section 18(1) of that Act consisting of certain closed sources, open sources containing no strontium 90 or alpha emitters and articles incorporating such sources.

It also excludes (in most 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 arising directly or indirectly from the keeping or use, on exempted premises for the purposes of the exempted undertaking, of sources exempted by the order.