STATUTORY INSTRUMENTS

1962 No. 2765 (S. 125)

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Storage in Transit) 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) and (7), 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 (Storage in Transit) 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;

"at or near the surface" means as near the surface as is practicable for the purpose of measuring the dose rate;

"incorporated radionuclide" means a radionuclide which, according to the relevant information, is sealed for use in, or sealed for use in or affixed for use to any component of, an instrument or apparatus used for scientific or technical purposes or an electronic tube or similar article;

"package" includes any sack, drum, container or wrapping;

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

"the relevant information" means such information as is written or printed on the package, on its label or in the certificate or other document (if any) received in respect of the package.

(2) For the purposes of paragraphs (*a*), (*b*) and (*g*) of Article 6 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(c) 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. Subject to the provisions of Articles 5, 6 and 7 of this order, any person who, on any premises which are used for the purposes of any under-

(a) 8 & 9 Eliz. 2. c. 34. (b) 4 & 5 Eliz. 2. c. 26. (c) 52 & 53 Vict. c. 63.

taking carried on by him, keeps or causes or permits to be kept 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 thereon of that radioactive materal.

Description of radioactive material to which exemption relates

4. The last preceding Article applies to radioactive material of any description which—

(*a*) is contained within a package which, upon a reasonably careful inspection, appears to contain its contents securely ; and

(*b*) is in transit, whether by road, rail, water or air, or partly by one of those means and partly by another or others.

Exemption subject to conditions

5. The exemption granted by Article 3 of this order in respect of the keeping of radioactive material in a package falling within one or both of the following descriptions, that is to say—

(*a*) a package at or near the surface of which the dose rate exceeds ten millirads per twenty-four hours in air at any time while that package is on the premises ;

(*b*) a package in which, according to the relevant information—

(i) the amount (if any) of the radionuclides specified in Schedule 1 to this order (excluding any incorporated radionuclide) exceeds, in the aggregate, one microcurie ; or

(ii) the amount (if any) of the radionuclides specified in Schedule 2 to this order (excluding any incorporated radionuclide) exceeds, in the aggregate, one hundred microcuries ; or

(iii) the amount (if any) of radionuclides not listed in either of those Schedules (excluding any incorporated radionuclide) exceeds, in the aggregate, one millicurie,

is granted subject to the conditions specified in Article 6 of this order.

Conditions

6. The conditions to which the last preceding Article refers are—

(*a*) that the package is not kept on the premises for longer than two weeks ;

(*b*) that not more than five packages falling within the last preceding Article are on the premises at any one time ;

(*c*) that the shortest dimension of the package measures not less than four inches ;

(*d*) that no part of its contents is removed from the package ;

(*e*) that, whenever there are reasonable grounds for believing or suspecting that the package or any part of its contents 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 the package or the part of its contents ;

(*f*) that, whenever there are reasonable grounds for believing or suspecting that the package has been broken open or damaged or that any part of its contents has escaped or has been damaged, 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 at that address as soon as practicable; and

(*g*) that records are kept showing the names and amounts (in curies) of the radionuclides which, according to the relevant information, are contained within each package falling within the last preceding Article for the time being on the premises.

Exemption without limitation or condition

7. The exemption granted by Article 3 of this order in respect of the keeping of radioactive material in a package falling within neither of the descriptions in Article 5 of this order is granted without any limitation or condition.

Exclusion of radioactive waste from section 7 of the Act

8. Radioactive waste of any description which—

(*a*) is contained within a package which, upon a reasonably careful inspection, appears to contain its contents securely; and

(*b*) is in transit, whether by road, rail, water or air, or partly by one of those means and partly by another or others,

is hereby excluded from the provisions of section 7 (1) of the Act (which relates to the accumulation of radioactive waste)—

(i) absolutely, where the package containing it falls within neither of the descriptions in Article 5 of this order; but

(ii) where the package containing it falls within one or both of those descriptions, subject to the conditions specified in Article 6 of this order.

Michael Noble,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

18th December 1962.

SCHEDULE 1

Actinium 227
Americium 241
Americium 243
Californium 249
Californium 250
Californium 252
Curium 243
Curium 244
Curium 245
Curium 246
Neptunium 237
Plutonium 238
Plutonium 239
Plutonium 240
Plutonium 242
Protactinium 231
Radium 226
Thorium 228
Thorium 230

SCHEDULE 2

Actinium 228	Polonium 210	Thorium 227
Berkelium 249	Protactinium 230	Uranium 230
Cerium 144	Radium 223	Uranium 232
Curium 242	Radium 224	Uranium 233
Europium 154	Radium 228	Uranium 234
Lead 210	Radon 222	Uranium 236
Plutonium 241	Strontium 90	

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) from registration under section 1 of the Radioactive Substances Act 1960 in respect of the storage, during transit, of any " radioactive material " within the meaning of section 18 (1) of that Act which, upon a reasonably careful inspection, appears to be securely contained within a package.

It also excludes (in some cases conditionally) from the provisions of section 7 of the Act (which prohibits the accumulation of radioactive waste without authorisation) " radioactive waste " within the meaning of section 18 (4) of the Act which is stored on premises during transit and which, upon a reasonably careful inspection, appears to be securely contained within a package.

With respect to certain packages of radioactive material or radioactive waste (being packages which under the Regulations for the Safe Transport of Radioactive Materials published by the International Atomic Energy Agency in 1961 would bear labels indicating their radioactive content) the conditions of exemption include conditions limiting the number of packages on the premises at any one time and the period during which the packages are to be on the premises.