1962 No. 2764 (S. 124)

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Testing Instruments) 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), 4 (2) and (3), 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 (Testing Instruments) 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;

"class 1 source" means a closed source containing, in the aggregate, not more than five microcuries of all the radionuclides present, including radionuclides which are decay products of other radionuclides present;

"class 2 source" means a closed source containing, in the aggregate, more than five microcuries of all the radionuclides present, including radionuclides which are decay products of other radionuclides present;

"closed source" means 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;

"exhibition" means a display held for the purposes of any trade, business or profession, and includes any demonstration of the use or uses to which material included in such a display may be put;

"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,

being a substance in which the radionuclides present, including radionuclides which are decay products of other radionuclides present, do not emit alpha particles and in which the number of microcuries of all the radionuclides present, including radionuclides which are decay products of other radionuclides present, does not exceed, in the aggregate, ten; or

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

(*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;

"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;

"testing instrument" means any apparatus, equipment or appliance designed for testing, measuring or otherwise investigating any of the characteristics of substances or articles;

and any reference to an exempted source is a reference to a source falling within Article 5 (*b*) of this order or a source described in, and incorporated in a testing instrument falling within, Article 5 (*a*), being either a source so kept or used, or a source incorporated in a testing instrument so kept or used, as to be within the exemption from registration granted by Article 3, or a source which is, or is incorporated in, mobile radioactive apparatus in respect of which exemption from registration is granted by Article 9 (1).

(2) For the purposes of sub-paragraph (*b*) (ii) of Article 11 (2) 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 condition in that sub-paragraph applies.

(3) 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. Subject to the provisions of Articles 6, 7 and 8 of this order, any person who, on any premises to which this Article applies 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.

Classes of premises to which exemption relates

4. The last preceding Article does not apply to premises used for or in connection with the manufacture of radioactive material falling within Article 5 of this order or for the storage of such material by the manufacturer, but, save as aforesaid, applies to premises of any class.

Descriptions of radioactive material to which exemption relates

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

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

(*a*) a testing instrument which is radioactive material solely because it incorporates—

(i) a laminated source or a sealed source containing, in the aggregate, not more than one hundred microcuries of all the radionuclides present, including radionuclides which are decay products of other radionuclides present; or

(ii) a homogeneous source; or

(iii) sources each of which is a homogeneous source, a laminated source or a sealed source (whether or not they are all sources of one of those descriptions) and all of which, taken together, contain not more than one hundred microcuries, in the aggregate, of all the radionuclides present, including radionuclides which are decay products of other radionuclides present;

(*b*) a source which is not incorporated in a testing instrument but is supplied for use with, or for testing or calibrating, such an instrument, being—

(i) a laminated source or a sealed source containing, in the aggregate, not more than one hundred microcuries of all the radionuclides present, including radionuclides which are decay products of other radionuclides present; or

(ii) a homogeneous source.

Limitation of exemption under section 1

6. The exemption granted by Article 3 of this order is not granted in respect of the keeping and use of the material as an exhibit at an exhibition.

Exemption under section 1 *without condition*

7. The exemption granted by Article 3 of this order in respect of the keeping and use of—

(*a*) a testing instrument incorporating a class 1 source or sources only; and

(*b*) a class 1 source,

is granted without any condition.

Exemption under section 1 *subject to conditions*

8. The exemption granted by Article 3 of this order in respect of the keeping and use of—

(*a*) a testing instrument incorporating a class 2 source or sources; and

(*b*) a class 2 source,

is granted subject to the conditions specified in Article 10 of this order.

Exemption from registration under section 3 *of the Act*

9.—(1) Subject to the provisions of paragraphs (2), (3) and (4) of this Article, 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 testing instrument falling within Article 5 (*a*) of this order or a source falling within Article 5 (*b*).

(2) The exemption granted by the preceding paragraph is not granted in respect of apparatus kept or used as an exhibit at an exhibition.

(3) The exemption granted by paragraph (1) of this Article in respect of—

(*a*) apparatus incorporating a class 1 source or sources only; and

(*b*) a class 1 source,

is granted without any condition.

(4) The exemption granted by paragraph (1) of this Article in respect of—

(*a*) apparatus incorporating a class 2 source or sources; and

(*b*) a class 2 source,

is granted subject to the conditions specified in Article 10 of this order.

Conditions of exemption

10. The conditions to which Article 8 of this order and paragraph (4) of the last preceding Article refer are—

(*a*) that no material (whether radioactive or not) forming part of an exempted class 2 source is removed therefrom;

(*b*) that no exempted class 2 source is mutilated;

(*c*) that, whenever there are reasonable grounds for believing or suspecting that an exempted class 2 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; and

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

(i) that the immediate container or the bonding forming part of an exempted class 2 source which is a sealed source is broken or damaged; or

(ii) that any material (whether radioactive or not) forming part of an exempted class 2 source has been removed therefrom; or

(iii) that any radioactive material has become detached or has escaped from an exempted class 2 source because of some defect therein,

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.

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

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

(*a*) waste which, immediately before it became waste, consisted of exempted class 1 sources;

(*b*) parts of exempted class 1 sources;

(*c*) substances or articles which are radioactive waste solely because they have been contaminated in the course of the keeping or use of exempted class 1 sources, 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 specified in paragraph (2) of this Article.

(2) The conditions to which the preceding paragraph refers are—

(*a*) that the waste is disposed of by one of the following means, that is to say—

(i) sending it to, or causing or permitting its removal by, a manufacturer of sources falling within Article 5 (*b*) of this order, testing instruments falling within Article 5 (*a*) or apparatus falling within Article 9 (1);

(ii) causing or permitting its removal as refuse by a local authority or their contractors; and

(*b*) that, where it is disposed of as refuse by the means referred to in sub-paragraph (*a*) (ii) of this paragraph—

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

(ii) in any one week, not more than ten class 1 sources (whether whole or in parts and whether or not absorbed in, mixed with or adhering to other articles or substances) are disposed of as refuse by that means from the premises.

(3) Where it is waste which has been received for disposal as refuse by a local authority or their contractors, radioactive waste falling within paragraph (1) of this Article 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.

(4) Where it is being accumulated with a view to its subsequent disposal by the means referred to in paragraph (2) (*a*) (i) of this Article, radioactive waste falling within paragraph (1) of this Article 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.

(5) Where it is being accumulated with a view to its subsequent disposal by the means referred to in paragraph (2) (*a*) (ii) of this Article, radioactive waste falling within paragraph (1) of this Article 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.

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

12. Radioactive waste falling within either of the following descriptions, that is to say—

(*a*) waste which, immediately before it became waste, consisted of exempted class 2 sources;

(*b*) parts of exempted class 2 sources,

is hereby excluded—

(i) from the provisions of section 6 (1) and (2) of the Act, subject to the condition that it is disposed of by sending it to, or causing or permitting

its removal by, a manufacturer of sources falling within Article 5 (*b*) of this order, testing instruments falling within Article 5 (*a*) or apparatus falling within Article 9 (1); and

(ii) 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.
18th December 1962.

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 keeping and use (except for exhibition purposes and except on manufacturers' premises) of "radioactive material" within the meaning of section 18 (1) of that Act consisting of—

(*a*) specified instruments (of the kind used for testing the characteristics of material) incorporating sealed and other closed sources possessing limited radioactivity; and

(*b*) sources of that kind kept separately from but for use with, or used with, such testing instruments.

The order also exempts persons (in some cases conditionally) from registration under section 3 of that Act in respect of "mobile radioactive apparatus" within the meaning of section 18 (5) of that Act comprising or incorporating sealed and other closed sources possessing limited radioactivity.

Articles 11 and 12 of the order provide for the exclusion conditionally from sections 6 (1), (2) and (3) and 7 (1) of that Act (which prohibit the disposal and accumulation of radioactive waste without authorisation) of certain descriptions of "radioactive waste" within the meaning of section 18 (4) of that Act arising directly or indirectly from the keeping or use of closed sources exempted by the order.