STATUTORY INSTRUMENTS

1963 No. 1880 (S. 97)

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Thorium-X) 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 (Thorium-X) 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 ;

" the Act of 1947 " means the National Health Service (Scotland) Act 1947(**b**) ;

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

" drainage system " means, in relation to any premises, any drainage system normally used for the disposal of foul water arising on the premises ;

" exempted material " means radioactive material falling within Article 4 of this order ;

" exempted waste " means radioactive waste falling within Article 7(1) of this order ;

" National Health Service hospital " means a hospital with respect to the management and control whereof any functions are exercised by a Board of Management ;

" premises of a hospital " means premises falling within any of the following descriptions, that is to say—

(*a*) premises of a hospital within the meaning of section 80 of the Act of 1947, being premises maintained or controlled by an authority or body constituted by special Act of Parliament or incorporated by Royal Charter ;

(a) 8 & 9 Eliz. 2. c. 34. (b) 10 & 11 Geo. 6. c. 27.

(*b*) a nursing home registered or exempted from registration under the Nursing Homes Registration (Scotland) Act 1938(a);

(*c*) a private hospital within the meaning of the Mental Health (Scotland) Act 1960(b);

(*d*) premises of a National Health Service hospital.

"premises of a pharmacist" means premises (not being premises of a hospital) which are used for the purposes of the business of the retail sale of drugs;

"premises of a practitioner" means premises (not being premises of a hospital) which are used for the purposes of the practice of medicine;

"prepared thorium-X" means a mixture made up of—

(*a*) radium 224 (sometimes called "thorium-X") prepared by a chemical process or processes resulting in the production of radium 224 separated, so far as reasonably practicable, from other radionuclides present in the substance or substances from which it is prepared; and

(*b*) impurities, consisting of—

(i) such of those other radionuclides (if any) as remained with the radium 224, at the time it was prepared; and

(ii) decay products formed through the radioactive decay of the radium 224 since it was prepared or of any of the impurities falling within this sub-paragraph;

"registered medical practitioner" means a person who is a fully registered person within the meaning of the Medical Act 1956(c); and

"residual ash" includes cinders and other debris.

(2) In this order, 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; any reference to the business of the retail sale of drugs is a reference to such a business carried on by an authorised seller of poisons within the meaning of the Pharmacy and Poisons Act 1933(d); and any reference to the practice of medicine is a reference to the practice of medicine by a registered medical practitioner.

(3) For the purposes of paragraph (*a*) of Article 6 of this order and paragraph (2)(*b*) and (*c*) of Article 7, 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.

(4) The Interpretation Act 1889(e) 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—

(*a*) on the premises of a hospital (not being a National Health Service hospital) which are used for the purposes of any undertaking carried on by him; or

(a) 1 & 2 Geo. 6. c. 73. (b) 8 & 9 Eliz. 2. c. 61. (c) 4 & 5 Eliz. 2. c. 76.
(d) 23 & 24 Geo. 5. c. 25. (e) 52 & 53 Vict. c. 63.

(*b*) on any premises (not being premises of a hospital) which are used for the purposes of the practice of medicine carried on by him ; or

(*c*) on any premises (not being premises of a hospital) which are used for the purposes of the business of the retail sale of drugs 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, subject to the limitations specified in Article 5 of this order and to the conditions specified in Article 6.

Descriptions of radioactive material to which exemption relates

4. The last preceding Article applies to radioactive material of a kind used for the medical treatment of human beings, being material which falls within either of the following descriptions, that is to say—

(*a*) a substance consisting of an ointment or a solution which is radioactive material solely because it contains prepared thorium-X ;

(*b*) an article which is radioactive material solely because it incorporates such a substance.

Limitations of exemption

5.—(1) The exemption granted by Article 3 of this order in respect of the premises of a hospital and the premises of a practitioner is granted in respect of the keeping and use, on such premises, of exempted material for one or both of the following purposes only, that is to say—

(*a*) the medical treatment of human patients ;

(*b*) supply to human patients or to registered medical practitioners.

(2) The exemption granted by Article 3 of this order in respect of the premises of a pharmacist is granted in respect of the keeping thereon of exempted material for the purpose of supply on sale or under arrangements made under Part IV of the Act of 1947.

Conditions of exemption

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

(*a*) that in all the exempted material on the premises at any one time, there is not more than 1 millicurie of radium 224 ; and

(*b*) that all necessary measures are taken to prevent any person having access to the exempted material without the authority of a person to whom exemption from registration is granted by that Article in respect of the keeping and use of the material on the premises.

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

7.—(1) Radioactive waste arising on the premises of a hospital, the premises of a practitioner or the premises of a pharmacist and falling within any one or more of the following descriptions, that is to say—

(*a*) waste which, immediately before it became waste, was exempted material—

(i) kept or in use on the premises of a hospital or the premises of a practitioner for one or both of the purposes mentioned in Article 5(1) of this order ; or

(ii) kept on the premises of a pharmacist for the purpose mentioned in Article 5(2);

(*b*) a solid or liquid substance, or an article, which is radioactive waste solely because it has been contaminated in the course of the keeping or use of exempted material as aforesaid, or by contact with or proximity to other waste falling within this paragraph;

(*c*) residual ash arising from the burning of other waste falling within this paragraph,

is hereby excluded from the provisions of section 6(1) of the Act (which relates to the disposal of radioactive waste), subject to condition (*a*) in paragraph (2) of this Article and to such of the following conditions specified in that paragraph as are applicable.

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

(*a*) that the waste is disposed of on or from the premises by any 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;

(iii) by burning it on the premises;

(iv) by removing it, or causing or permitting its removal, to other premises which are premises of a hospital, for the purpose of its being disposed of by burning on those premises;

(v) by discharging it into a drainage system;

(*b*) that, if the waste is disposed of by either of the means mentioned in sub-paragraph (*a*)(i) and (ii) of this paragraph, the sum total of microcuries of radium 224 in all the exempted waste disposed of on or from the premises in any one week by each of those means does not exceed 10; and

(*c*) that, if the waste is disposed of by discharging it into a drainage system the sum total of microcuries of radium 224 in all the exempted waste disposed of on or from the premises in any one week by that means does not exceed 100.

(3) Any exempted waste 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.

(4) Any exempted waste 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 condition that it is deposited at, on or in such a place.

(5) Any exempted waste received for the purpose of its being disposed of by burning on the premises of a hospital to which it has been removed for that purpose is hereby excluded from the provisions of section 6(3) of the Act, subject to the condition that it is disposed of by burning it on those premises.

(6) Any exempted waste which is accumulated on the premises where it arose 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 one of the means mentioned in paragraph (2)(*a*) of this Article, being a means which is available or about to become available; and

(*b*) it is disposed of by such means as soon as practicable.

(7) Any exempted waste 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 paragraph (2)(*a*)(ii) of this Article; or

(*c*) for the purpose of its being disposed of by burning on the premises of a hospital to which it has been removed for that purpose,

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 of "radioactive material" (within the meaning of that Act) which contains prepared thorium-X (defined in the order)—

(*a*) on the premises of certain hospitals and nursing homes, for the medical treatment of patients or for supply to them or to registered medical practitioners; and

(*b*) on the premises of authorised sellers of poisons, for supply on sale or under arrangements made under the National Health Service (Scotland) Act 1947.

It also excludes (in most cases conditionally) from sections 6 (1) and (3) and 7(1) of the Act of 1960 (which prohibit the disposal and accumulation of radioactive waste without authorisation) certain descriptions of "radioactive waste" (within the meaning of section 18(4) of the Act of 1960) arising directly or indirectly from the keeping or use of the exempted material on the premises and for the purposes mentioned in (*a*) and (*b*) above.