STATUTORY INSTRUMENTS

1963 No. 1877 (S. 94)

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Waste Closed Sources) Exemption (Scotland) Order 1963

Made - - - -	*19th November* 1963
Laid before Parliament	*27th November* 1963
Coming into Operation	*1st December* 1963

In exercise of the powers conferred on me by sections 6(5), 7(4), 15(3) 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 (Waste Closed Sources) 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 ;

" 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 ;

" 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 ; 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 ; and

" 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.

(2) The Interpretation Act 1889(**b**) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

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

Exclusion of radioactive waste from section 6 of the Act

3. Radioactive waste consisting of waste closed sources, that is to say, sources each of which, immediately before it became waste, was radioactive material in the form of a closed source (whether or not incorporated in some other article), not being, as respects any person claiming the benefit of this Article, waste sources the disposal of which by him is authorised by an authorisation for the time being in force under section 6(1) or (2) of the Act (which relates to the disposal of radioactive waste), is hereby excluded from the provisions of section 6(1) and (2) of the Act, subject, as respects each such waste source, to the conditions that—

(*a*) the waste source is disposed of by sending it to, or causing or permitting its removal by—

(i) 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

(ii) 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; and

(*b*) 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 the waste source was disposed of;

(ii) the names of, and the sum total of millicuries (estimated in any generally accepted manner) of, each of the radionuclides (excluding those which are decay products of others present) contained in the waste source at the time of its disposal; and

(iii) the name and address of the person to whom the waste source was sent or by whom it was removed.

Exclusion of radioactive waste from section 7 of the Act

4.—(1) Radioactive waste to which this paragraph applies 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 specified in paragraph (3) of this Article.

(2) The preceding paragraph applies to radioactive waste which—

(*a*) consists of waste closed sources, that is to say, sources each of which, immediately before it became waste, was radioactive material in the form of a closed source (whether or not incorporated in some other article), not being waste sources which are accumulated by, or the accumulation of which is caused or permitted by, a person who received them for the purpose of their being disposed of by him; and

(*b*) is accumulated with a view to the subsequent disposal thereof by the means mentioned in paragraph (*a*) of the last preceding Article.

(3) The conditions to which paragraph (1) of this Article refers are—

(*a*) that no waste source to which that paragraph applies is retained on the premises for a period exceeding twelve weeks;

(*b*) that no material forming part of any such waste source is removed from that source;

(*c*) that all necessary measures are taken to prevent any person having access to any such waste source without the authority of the person claiming the benefit of this Article;

(*d*) that each such waste source is kept in a container or store which—

(i) complies with any relevant condition within the meaning of paragraph (4) of this Article or, where no such relevant condition applies, is so designed and constructed that every such waste source in it is reasonably protected from damage from fire ; and

(ii) contains nothing which is explosive or readily inflammable,

and is so kept in that container or store as to avoid any foreseeable damage to that waste source ; and

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

(i) that any such waste source has been lost or stolen ; or

(ii) that the immediate container or the bonding forming part of any such waste source is broken or damaged ; or

(iii) that any material forming part of any such waste source has been removed from that source ; or

(iv) that anything which would be radioactive material if it were not part of such a waste source has become detached or has escaped from any such source because of some defect in that source,

the appropriate requirements of any relevant condition within the meaning of paragraph (5) of this Article relating to radioactive material are complied with as if that condition related to that waste source.

(4) In sub-paragraph (*d*) of the last preceding paragraph, " relevant condition " means a condition relating to the design or construction of a container or store in which a closed source (of a description to which the waste sources would belong if they were not waste) or an article incorporating such a source is to be kept, being a condition subject to which the person claiming the benefit of this Article is registered or exempted from registration either under section 1 of the Act (which provides for the registration of persons who keep or use radioactive material) or under section 3 of the Act (which provides for the registration of mobile radioactive apparatus).

(5) In sub-paragraph (*e*) of paragraph (3) of this Article, " relevant condition " means a condition subject to which the person claiming the benefit of this Article is registered or exempted from registration under section 1 or section 3 of the Act in respect of a closed source (of a description to which the waste sources would belong if they were not waste) or an article incorporating such a source, being a condition relating to the steps which are to be taken as respects such a source or such an article in circumstances corresponding to those mentioned as respects the waste source in the said sub-paragraph (*e*).

Revocation

5. The Radioactive Substances (Irradiated Material) Exemption (Scotland) Order 1962(a) is hereby revoked.

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

St. Andrew's House,
Edinburgh, 1.
19th November 1963.

(a) S.I. 1962/2763 (1962 III, p. 3890).

EXPLANATORY NOTE

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

This order excludes (conditionally, and with certain exceptions) from sections 6(1) and (2) and 7(1) of the Radioactive Substances Act 1960 (which prohibit the disposal and accumulation of radioactive waste without authorisation) " radioactive waste " within the meaning of section 18(4) of that Act consisting of closed sources (defined in the order). It also revokes the Radioactive Substances (Irradiated Material) Exemption (Scotland) Order 1962.

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