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STATUTORY INSTRUMENTS

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**1995 No. 2395**

**ATOMIC ENERGY AND  
RADIOACTIVE SUBSTANCES**

**The Radioactive Substances (Hospitals)  
Exemption (Amendment) Order 1995**

*Made* - - - - *12th September 1995*  
*Laid before Parliament* *12th September 1995*  
*Coming into force* - - *3rd October 1995*

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred on them by sections 8(6) and (7) and 15(2) of the Radioactive Substances Act 1993(1) and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Radioactive Substances (Hospitals) Exemption (Amendment) Order 1995 and shall come into force on 3rd October 1995.

**Amendment of Order**

2. The Radioactive Substances (Hospitals) Exemption Order 1990(2) shall be amended in accordance with the Schedule to this Order.

Signed by authority of the Secretary of State

5th September 1995

*James Clappison*  
Parliamentary Under Secretary of  
State, Department of the Environment

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(1) 1993 c. 12.  
(2) S.I.1990/2512.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for Wales

12th September 1995

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

8th September 1995

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

SCHEDULE

Article 2

Amendment of the Radioactive Substances (Hospitals) Exemption Order 1990

1. In article 2(1) (interpretation)—
  - (a) in the definition of “waste collection authority” there shall be added at the end the following:

“, and any reference in this Order to a waste collection authority includes a reference to a person acting on behalf of a waste collection authority”;
  - (b) for the definition of “the Act” there shall be substituted the following:

““the Act” means the Radioactive Substances Act 1993”.
2. In article 3 (exemption from registration)—
  - (a) in paragraph (1), for the words “section 1” there shall be substituted the words “section 7”;
  - (b) in paragraph (3), for the words “section 1 of the Act” there shall be substituted the words “section 7 of the Act, other than a registration in respect of closed sources only”.
3. In article 4 (exclusion for certain disposals)—
  - (a) in paragraphs (1) and (2), for the words “section 6(1)” there shall be substituted the words “section 13(1)”;
  - (b) in paragraph (3), for the words “section 6(3)” there shall be substituted the words “section 13(3)”.
4. In article 5(1) and (2) (exclusion of certain accumulations), for the words “section 7(1)” there shall be substituted the words “section 14(1)”.
5. In Schedule 2 (conditions mentioned in article 4(1) of the 1990 Order)—
  - (a) in paragraph 5(1)(b), for the words from “disposal” to the end there shall be substituted the following

“disposal—

    - (i) by burning on any other premises (whether or not hospital premises) in accordance with an authorisation under section 13(1) or (3) of the Act; or
    - (ii) by burning on the premises of another hospital in accordance with the following provisions of this paragraph”;
  - (b) after paragraph 5(1) there shall be inserted the following—

“(1A) In a case falling within sub-paragraph (1)(b) above, the person using as a hospital the premises from which the waste is removed shall, at or before the time of the removal of the waste, furnish the person by whom the waste is to be burnt with a document stating in megabecquerels the total activity in that waste of—

    - (a) carbon 14 and tritium taken together; and
    - (b) all other radionuclides.”;
  - (c) in paragraph 5(2), for the words “the waste burnt on the premises” there shall be substituted “the waste disposed of in accordance with sub-paragraph (1) above”;
  - (d) in paragraph 5(5), for the words “regulation 2(1) of the Collection and Disposal of Waste Regulations 1988” there shall be substituted the words “regulation 1(2) of the Controlled Waste Regulations 1992(3)”;
  - (e) in paragraph 6(4)—

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(3) S.I. 1992/588, to which there are amendments not relevant to this Order.

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- (i) for the words “section 189(1) of the Water Act 1989” there shall be substituted the words “section 219(1) of the Water Industry Act 1991(4)”;
- (ii) for the words “section 14(1) of the Public Health (Drainage of Trade Premises) Act 1937” there shall be substituted the words “section 141(1) of the Water Industry Act 1991”.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Radioactive Substances (Hospitals) Exemption Order 1990. Apart from those updating references to other legislation, the amendments:

- (a) widen the definition of “waste collection authority” to include references to persons acting on behalf of such authorities;
- (b) extend the exemption from registration under section 7 of the Act for the keeping and use of open radioactive sources on hospital premises to premises in respect of which a registration under that section is in force in respect of closed sources only;
- (c) exclude from the provisions of section 13(1) of the Radioactive Substances Act 1993 (“the Act”) (which prohibits the disposal of radioactive waste) the removal from hospital premises of solid or flammable liquid radioactive waste for burning on other premises in accordance with an authorisation under section 13 of that Act;
- (d) require the hospital operator, as a condition of exemption in the case of hospital waste removed for burning on other premises, to furnish the person by whom the waste is to be burnt with a document stating the sum total activity of the radionuclides in the waste.