

1963 No. 1832

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Schools etc.) Exemption
Order 1963

<i>Made</i> -	8th November 1963
<i>Laid before Parliament</i>	15th November 1963
<i>Coming into Operation</i>	1st December 1963

The Minister of Housing and Local Government, in exercise of his powers under sections 2(6) and (7), 6(5) and 7(4) of the Radioactive Substances Act 1960(a) and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation and commencement

1. This order may be cited as the Radioactive Substances (Schools etc.) Exemption 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;

“bonded plutonium source” means an article free from patent defect consisting of a layer of radioactive material, being material which contains plutonium and in which the sum total of microcuries of all the radionuclides (including those which are decay products of others present) does not exceed 0.2, bonded to a layer of coherent, inert and tough material which is not radioactive material;

“closed source” means a bonded plutonium source, 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;

“exempted premises” means premises which are used for the purposes of an exempted undertaking;

“exempted source” means a closed source falling within Article 5(a) of this order or an open source falling within Article 5(b), and includes such a source incorporated in an article falling within Article 5(c), and “exempted closed source” and “exempted open source” shall be construed accordingly;

“exempted undertaking” means an undertaking of the class specified in Article 4 of this order;

“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 (including those which are decay products of others present) do not emit alpha particles and in which the sum total of microcuries of all the radionuclides (including decay products as aforesaid) does not exceed 10; 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;

“liquid waste” means waste consisting of a liquid with or without solid matter in suspension therein;

“the Minister” means the Minister of Housing and Local Government;

“open source” means a substance which is not and does not form part of a closed source;

“police force” means any police force maintained for any police area mentioned in Schedule 3 to the Police Pensions Act 1921(a), or maintained by virtue of any scheme made under the Police Act 1946(b);

“refuse disposal authority” means a local authority within the meaning of the Public Health Act 1936(c) or a sanitary authority within the meaning of the Public Health (London) Act 1936(d) acting in pursuance of statutory powers or duties relating to the removal and disposal of refuse;

“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;

“trade effluent” has the same meaning as in the definition in section 14(1) of the Public Health (Drainage of Trade Premises) Act 1937(e) as amended by section 63(1) of the Public Health Act 1961(f);

and any reference to the number or sum total of microcuries or of millicrocuries 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.

(2) For the purposes of paragraphs (a), (b), (c) and (h) of Article 7 of this order and paragraphs (2)(c), (3)(b) and (4)(b) of Article 9, 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(g) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(a) 11 & 12 Geo. 5. c. 31. (b) 9 & 10 Geo. 6. c. 46. (c) 26 Geo. 5 & 1 Edw. 8. c. 49.

(d) 26 Geo. 5 & 1 Edw. 8. c. 50.

(e) 1 Edw. 8 & 1 Geo. 6. c. 40.

(f) 9 & 10 Eliz. 2. c. 64.

(g) 52 & 53 Vict. c. 63.

Exemption from registration under section 1 of the Act

3. Any person who, on any premises which are used for the purposes of an undertaking carried on by him, being an undertaking of the class specified in Article 4 of this order, 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 limitation specified in Article 6 of this order and to such of the conditions specified in Article 7 as are applicable.

Class of undertakings to which exemption relates

4. The last preceding Article refers to any undertaking for the provision of education or instruction in the furtherance of the objects of an institution of any of the following descriptions, that is to say,—

- (a) a school which, within the meaning of the Education Act 1944(a), is maintained by a local education authority, or in respect of which grants are made by the Minister of Education to the proprietor thereof, or which, being an independent school within the meaning of that Act, is recognised as efficient by that Minister;
- (b) a college for the training of teachers which is maintained by such an authority or in respect of which grants are made by that Minister;
- (c) an institution for providing further education which is maintained by such an authority, or in respect of which grants are made by that Minister, or which is recognised as efficient by that Minister, or which, under a scheme made and approved under that Act, is used for further education.

Descriptions of radioactive material to which exemption relates

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

- (a) a closed source in which the number of microcuries of each of the decay products of any radionuclide present does not at any time exceed the number of microcuries of that decay product which could be present at that time through radioactive decay occurring in that source;
- (b) an open source in which—
 - (i) there is no strontium 90; and
 - (ii) the radionuclides (including those which are decay products of others present) do not emit alpha particles;
- (c) an article which is radioactive material solely because it incorporates a source which, or sources each of which, falls within either of the preceding paragraphs,

not being, as respects any person to whom exemption is granted by Article 3 of this order in respect of any premises, radioactive material in respect of the keeping and use of which, on those premises, that person is for the time being registered under section 1 of the Act, or exempted otherwise than by that Article from registration under that section.

Limitation of exemption

6. The exemption granted by Article 3 of this order is granted in respect of the keeping and use of the material for the purposes of the exempted undertaking only.

Conditions of exemption

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

- (a) that, subject to the next following condition, the sum total of millicuries of all the radionuclides (excluding, in the case of exempted closed sources, those which are decay products of others present) in all the exempted sources on the premises at any one time does not exceed 4 ;
- (b) that the sum total of millicuries of all the radionuclides (including those which are decay products of others present) in all the exempted open sources on the premises at any one time does not exceed 2 ;
- (c) that the sum total of millicuries of all the radionuclides (including decay products as aforesaid) in all the exempted open sources brought on to the premises in any one period of four consecutive weeks does not exceed 2 ;
- (d) that no material (whether radioactive or not) forming part of an exempted closed source is removed from that source ;
- (e) that no exempted closed source is mutilated ;
- (f) that, whenever there are reasonable grounds for believing or suspecting that an exempted 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 Minister as soon as practicable ; and
 - (ii) all reasonably practicable measures are taken forthwith for the purpose of recovering that source ;
- (g) that, whenever there are reasonable grounds for believing or suspecting—
 - (i) that the immediate container or the bonding forming part of an exempted closed source is broken or damaged ; or
 - (ii) that any material (whether radioactive or not) forming part of an exempted closed source has been removed from that source ; or
 - (iii) that any radioactive material has become detached or has escaped from an exempted closed source because of some defect in that source,
 notification to that effect is given forthwith, by the quickest means available, to the Minister and (unless the notification so given to him is in writing) confirmed to him in writing as soon as practicable ; and
- (h) that records are kept, and retained for inspection by any person authorised by the Minister in that behalf, showing—
 - (i) the date upon which each exempted source was brought on to the premises, the date upon which it was removed therefrom, the address of the premises to which it was removed and the name of the occupier of those premises ;
 - (ii) the name of, and the sum total of microcuries of, each of the radionuclides (excluding, in the case of an exempted closed source, those which are decay products of others present) in that source at the time it was brought on to the premises and at the time it was removed therefrom ;
 - (iii) the dates upon which radioactive waste falling within Article 8 or Article 9(1) or (4) of this order was disposed of on or from the premises and the name and address of the person to whom each waste source falling within Article 8 was sent or by whom it was removed ; and

(b) it is disposed of by that means as soon as practicable, and subject also to the conditions specified in Article 7(d) to (g) of this order which shall apply in relation to the waste as they apply in relation to exempted closed sources.

(2) Solid and liquid waste falling within Article 9(1) of this order which is accumulated on exempted premises is hereby excluded from the provisions of section 7(1) of the Act, subject to the conditions that—

(a) it is contained in a closed container ; and

(b) it is disposed of as soon as it is practicable to do so and in any event before the expiration of a period of two weeks beginning with the date upon which its accumulation began.

(3) Solid waste falling within Article 9(1) of this order and received—

(a) by a refuse disposal authority or their contractors for the purpose of its being disposed of by them ; or

(b) by persons other than a refuse disposal 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 Article 9(2)(a)(ii) of this order,

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.

Given under the official seal of the Minister of Housing and Local Government on 8th November 1963.

(L.S.)

Keith Joseph,
Minister of Housing and Local
Government.

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 on the premises of, and for the purposes of, certain schools, teacher training colleges and institutions for further education, of "radioactive material" within the meaning of section 18(1) of that Act consisting of certain closed sources, open sources containing no strontium 90 or alpha emitters and articles incorporating such sources.

It also excludes (in most cases conditionally) from sections 6(1) and (3) and 7(1) of that Act (which prohibit the disposal and accumulation of radioactive waste without authorisation) certain descriptions of "radioactive waste" within the meaning of section 18(4) of that Act arising directly or indirectly from the keeping or use, on exempted premises for the purposes of the exempted undertaking, of sources exempted by the Order.