1993 No. 54

RADIOACTIVE SUBSTANCES

The Radioactive Substances (Hospitals) Exemption Order (Northern Ireland) 1993

Made . . . . . 11th February 1993

Coming into operation . . 1st April 1993

The Department of the Environment, in exercise of the powers conferred on it by sections 2(6) and (7), 6(5), 7(4) and 21(2) of the Radioactive Substances Act 1960(**a**) and of every other power enabling it in that behalf, hereby makes the following order:

Citation and commencement

1. This order may be cited as the Radioactive Substances (Hospitals) Exemption Order (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

Interpretation

2.—(1) In this order—

"the Act" means the Radioactive Substances Act 1960;

"activity" means the number of spontaneous nuclear transformations occurring in a radioactive substance in a period of one second;

"alpha emitters" means radionuclides (including those which are decay products of others present) which emit alpha particles;

"the chief inspector" means the chief inspector appointed by the Department under section 11A(2) of the Act(**b**);

"closed source" means an object free from patent defect which consists of or includes one or more radionuclides firmly incorporated on, in or sealed within solid inert non-radioactive material so as to prevent the dispersion of any radioactive material in normal use;

"decay products" means, in relation to any radionuclide, the radionuclides succeeding it in the same radioactive series;

"the Department" means the Department of the Environment for Northern Ireland;

"hospital" means—

(**a**) 1960 c. 34, sections 2(6) and 6(5) were amended by section 100(3) of the Environmental Protection Act 1990 (c. 43), section 21(2) was amended by paragraph 20(*a*) of Schedule 5 to the Environmental Protection Act 1990 and is cited because it provides that any reference to the Secretary of State is to be construed as a reference to the Department of the Environment for Northern Ireland

(**b**) Section 11A was inserted by the Environmental Protection Act 1990 (c. 43), Schedule 5

(*a*) any institution for the reception and treatment of persons suffering from illness (including any mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986(**a**) and any injury or disability requiring medical or dental treatment or nursing);

(*b*) any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation;

(*c*) any nursing home within the meaning of Part III of the Registered Homes (Northern Ireland) Order 1992(**b**);

(*d*) any clinic, dispensary or out-patient department maintained in connection with any such institution or home;

and ''hospital premises'' shall be construed accordingly;

''inspector'' means the inspector appointed by the Department under Section 11A(1) of the Act;

''liquid'' includes a liquid with solid matter in suspension in it;

''patient'' includes an expectant or nursing mother and a lying-in woman;

''site licence'' means a disposal licence within the meaning of Part II of the Pollution Control and Local Government (Northern Ireland) Order 1978(**c**).

(2) Any reference in this order to the sum total activity is a reference to the sum total ascertained by measurement by a reliable method or, where it is not reasonably practicable to ascertain the sum total by measurement, the sum total estimated in a reliable manner.

(3) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to this order as it applies to a Measure of the Northern Ireland Assembly.

Exemption from registration

3.—(1) Subject to paragraph (3) and the conditions specified in Schedule 1 to this order, a person using premises as a hospital is exempted from registration under section 1 of the Act in respect of those premises in relation to the keeping and use on those premises of radioactive material to which paragraph (2) applies which is kept or used on the premises for the purposes of medical diagnosis, treatment of patients or supply to another hospital.

(2) This Article applies to radioactive material which is solid or liquid, contains no alpha emitters and, in the case of solid material, is not a closed source.

(3) Paragraph (1) does not apply where a registration under section 1 of the Act is in force in respect of the premises.

(**a**) S.I. 1986 No. 595 (N.I. 4)
(**b**) S.I. 1992 No. 3204 (N.I. 20)
(**c**) S.I. 1978 No. 1049 (N.I. 19)
(**d**) 1954 c. 33 (N.I.)

Exclusion for certain disposals

4.—(1) Subject to paragraph (2) and the conditions specified in Schedule 2 to this order, radioactive waste arising on hospital premises is excluded from the provisions of section 6(1) of the Act if it is solid or liquid waste, contains no alpha emitters and—

(*a*) immediately before it became waste it was radioactive material to which Article 3(2) applies; or

(*b*) it is a substance or an article which is radioactive solely because it has been contaminated in the course of the keeping or use of radioactive material on those premises for the purposes of medical diagnosis, treatment of patients or supply to another hospital or by contact with or proximity to other waste falling within this paragraph; or

(*c*) it is human excreta; or

(*d*) it is residual ash (including cinders and other debris) produced by the burning of other waste falling within this paragraph.

(2) Paragraph (1) does not apply where an authorisation under section 6(1) of the Act is in force in respect of the disposal of radioactive waste on or from the premises.

(3) Radioactive waste to which paragraph (1) applies is excluded from section 6(3) of the Act if—

(*a*) it is solid waste and it has been removed from the premises by a person other than a district council for disposal at the same place as substantial quantities of non-radioactive waste in or on land subject to a site licence; or

(*b*) it is solid waste and it has been removed from the premises by a district council; or

(*c*) it is solid waste or flammable liquid waste and it has been removed from the premises by a person other than a district council for disposal by burning on other hospital premises, subject to the condition that it is disposed of by burning on those other premises in compliance with paragraph 5 of Schedule 2.

Exclusion for certain accumulations

5.—(1) Radioactive waste to which Article 4(1) applies is excluded from the provisions of section 7(1) of the Act if it is kept in a closed container on hospital premises and it is disposed of within a period of 2 weeks from the date upon which the waste arises.

(2) Radioactive waste which has been removed from hospital premises in accordance with Article 4(3) is excluded from the provisions of section 7(1) of the Act subject to the condition that it is disposed of as soon as practicable after its removal.

Revocation

6. The Radioactive Substances (Hospitals' Waste) Exemption Order (Northern Ireland) 1963(**a**) is hereby revoked.

(**a**) S.R. & O. (N.I.) 1963 No. 217

Sealed with the Official Seal of the Department of the Environment on 11th February 1993.

(L.S.) *R. W. Rogers*
Assistant Secretary