1986 No. 11

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Luminous Articles) Exemption Order (Northern Ireland) 1986

Made . . . . . *16th January 1986*

Coming into operation . . . *1st April 1986*

The Department of the Environment, in exercise of the powers conferred by sections 2(6) and (7), 6(5), 7(4) and 21 of the Radioactive Substances Act 1960(**a**) and now vested in it(**b**) 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 (Luminous Articles) Exemption Order (Northern Ireland) 1986, and shall come into operation on 1st April 1986.

Interpretation

2.—(1) In this Order:—

"the Act" means the Radioactive Substances Act 1960;

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

"Class A article" means an instrument, illuminant or indicator which is luminous and satisfies the following criteria:—

(*a*) it is radioactive material solely because it is made wholly or partly from, or incorporates, a luminescent substance which,—

(i) is substantially insoluble in water;

(ii) is in the form of a film or a paint of such a nature and so applied as to adhere, in normal usage, to any surface to which it has been applied;

(iii) includes no radionuclides other than promethium 147 or tritium or decay products thereof; and

(*b*) the number of becquerels of activity of a radionuclide and its decay products contained in the luminescent substance from which it is made or which is incorporated in it does not exceed the relevant number specified in column 2 of the Schedule:

"Class B article" means a component of a clock, watch, instrument, illuminant or indicator which satisfies the two criteria set out in the preceding definition of a Class A article;

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

"district council" means a district council within the meaning of the Local Government Act (Northern Ireland) 1972(**c**);

(**a**) 1960 c. 34

(**b**) S.R. & O. (N.I.) 1964 No. 205; S.R. & O. (N.I.) 1965 No. 13; S.R. & O. (N.I.) 1972 No. 111; S.R. & O. (N.I.) 1973 No. 504

(**c**) 1972 c. 9 (N.I.)

"luminous radioactive waste" means radioactive waste which is at the time of its disposal, solid and—

(*a*) which, immediately before it became waste, was radioactive material in the form of a Class A or Class B article or part of such an article (whether or not incorporated in some other article); or

(*b*) which consists of waste which is radioactive waste solely because it has been contaminated by contact with, or proximity to, a Class A or Class B source or other waste which is radioactive waste because it has been so contaminated; and

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

Revocation

3. The Radioactive Substances (Luminous Articles) Exemption Order (Northern Ireland) 1962(**b**) is hereby revoked.

Exemption from registration under section 1 of the Act

4. Subject to the conditions set out in Article 5, all persons are exempted from registration under section 1 of the Act in respect of the keeping and use on any premises of Class A or Class B articles.

Conditions attaching to exemption under Article 4

5. The conditions mentioned in Article 4 are that—

(*a*) except when removed for cleaning, maintenance, testing or inspection, the luminescent paint or film in or on any Class A article on the premises shall be kept covered by glass or some other protective covering;

(*b*) the aggregate number of becquerels of activity of a radionuclide mentioned in column 1 of the Schedule in all the Class B articles on the premises at any time does not exceed the relevant number mentioned in column 3; and

(*c*) except when removed for testing, inspection or incorporation as a component of another article, every Class B article on the premises is kept in a container clearly, legibly and indelibly marked with the words "radioactive luminous component".

Exclusion of luminous radioactive waste from section 6(1) of the Act

6.—(1) Subject to the conditions set out in paragraph (2), luminous radioactive waste is hereby excluded from the provisions of section 6(1) of the Act (authorisation required to dispose of radioactive waste).

(2) The conditions mentioned in paragraph (1) are—

(*a*) that the waste is disposed of—

(i) by removal as refuse by a district council, or its contractor;

(ii) by dispatch to, or removal by, a person authorised under section 6(3) of the Act to dispose of such waste; or

(iii) by dispatch to, or removal by, a manufacturer of Class A or Class B articles; and

(*b*) that where such waste is disposed of by removal by a district council or its contractor—

(i) the waste is dispersed in refuse which is not radioactive waste; and

(ii) in aggregate not more than 10, or parts of 10, former Class A and Class B articles are disposed of from the premises in this manner in any week.

(**a**) 1954 c. 33 (N.I.)
(**b**) S.R. & O. (N.I.) 1962 No. 251