1980 No. 304

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Smoke Detectors) Exemption Order (Northern Ireland) 1980

Made . . . . . *9th September 1980*

Coming into operation . . . *13th October 1980*

The Department of the Environment, in exercise of the powers conferred by sections 2(6) and (7), 4(2), 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 (Smoke Detectors) Exemption Order (Northern Ireland) 1980, and shall come into operation on 13th October 1980.

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;

"the Department" means the Department of the Environment;

"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;

"incorporated source" means a closed source incorporated in a smoke detector;

"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;

"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;

"smoke detector" means any apparatus, equipment or appliance designed or constructed for the purpose of detecting smoke.

(**a**) 1960 c. 34

(**b**) S.R. & O. (N.I.) 1964 No. 205 (p. 937); S.R. & O. (N.I.) 1965 No. 13 (p. 50); S.R. & O. (N.I.) 1972 No. 111 (p. 414); S.R. & O. (N.I.) 1973 No. 504 (II, p. 2992)

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

Revocation

3. The Radioactive Substances (Fire Detectors) Exemption Order (Northern Ireland) 1967(**d**) is hereby revoked.

Exemption from registration under section 1 of the Act

4. Subject to the provisions of Articles 6 and 7, any person, who, on any premises which are used for the purposes of any undertaking carried on by him, 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.

Descriptions of radioactive material to which exemption relates

5. Article 4 applies to radioactive material falling within either of the following descriptions, that is to say—

(*a*) a smoke detector which is radioactive material solely because it contains americium 241 in one or more closed sources in which, or in all of which taken together, the sum total of kilobecquerels does not exceed 40; or

(*b*) a smoke detector, not being a smoke detector falling within paragraph (*a*), which is affixed or attached to the premises and is radioactive material solely because it contains radionuclides in one or more closed sources in which, or in all of which taken together, the sum total of megabecquerels of all the radionuclides (including those which are the decay products of others present) does not exceed 4.

Exemption under section 1 without limitation or condition

6. The exemption granted by Article 4 in respect of the keeping or use of radioactive material which is a smoke detector falling within Article 5(*a*) and is affixed or attached to the premises is granted without any limitation or condition.

Exemption under section 1 subject to limitations

7.—(1) The exemption granted by Article 4 in respect of the keeping or use of radioactive material which is a smoke detector falling within Article 5(*a*) and is not affixed or attached to premises is granted subject to the limitation that the total number of such smoke detectors present on the premises at any given time does not exceed 100.

(2) The exemption granted by Article 4 in respect of the keeping or use of radioactive material which is a smoke detector falling within Article 5(*b*) is granted subject to the conditions that—

(*a*) no incorporated source is mutilated;

(*b*) whenever there are reasonable grounds for believing or suspecting that an incorporated source has been lost or stolen—

(i) notification to that effect is given forthwith, by the quickest means available to a member of the Royal Ulster Constabulary and to the Department and confirmed to the latter in writing as soon as practicable; and

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(**c**) 1954 c. 33 (N.I.)
(**d**) S.R. & O. (N.I.) 1967 No. 312 (p. 1064)