1963. No. 219 **[C]**

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Schools etc.) Exemption Order (Northern Ireland) 1963

ORDER, DATED 26TH NOVEMBER, 1963, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 2(6) AND (7), 6(5), AND 7(4) OF THE RADIOACTIVE SUBSTANCES ACT 1960.

The Ministry of Health and Local Government, in exercise of the powers conferred on it by sections 2(6) and (7), 6(5), and 7(4) 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 (Schools etc.) Exemption Order (Northern Ireland) 1963, and shall come into operation on the 1st day of 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*) 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;

"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

(a) 8 & 9 Eliz. 2. c. 34.

(*b*) is made partly from, or incorporates, such a substance and is radioactive materially 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 Ministry" means the Ministry of Health and Local Government;

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

"refuse disposal authority" means a local authority within the meaning of the Public Health Acts (Northern Ireland) 1878 to 1962 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; and

any reference to the number or sum total of microcuries or of millicuries 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 Article 7(*a*), (*b*), (*c*) and (*h*) and Article 9(2)(*c*), (3)(*b*) and (4)(*b*), 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 (Northern Ireland) 1954(a) applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

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, 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 and to such of the conditions specified in Article 7 as are applicable.

Class of undertakings to which exemption relates

4. Article 3 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) 1954. c. 33.

(*a*) a grant-aided school or a registered independent school within the meaning of the Education Act (Northern Ireland) 1947(**a**);

(*b*) a college for the training of teachers grant-aided by the Ministry of Education;

(*c*) an institution of further education maintained by a local education authority within the meaning of the Education Act (Northern Ireland) 1947.

Descriptions of radioactive material to which exemption relates

5. Article 3 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;

(ii) the radionuclides (including those which are decay products of others present) do not emit alpha particles; and

(*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 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 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 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,—

(**a**) 1947, c. 3.