Sealed with the Official Seal of the Ministry of Health and Local Government this 21st day of December, nineteen hundred and sixty-two.

(L.S.) *Wm. J. Morgan,*
Minister of Health 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 unconditionally from registration under Section 1 of the Radioactive Substances Act, 1960, in respect of the keeping and use of "radioactive material" within the meaning of Section 18(1) of that Act which consists of or contains lead described in the Order as "natural lead" (which is lead of the kind in common use).

It also excludes unconditionally 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 of "natural lead".

1962. No. 241 **[C]**

ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES

The Radioactive Substances (Testing Instruments) Exemption Order (Northern Ireland), 1962

ORDER, DATED 21ST DECEMBER, 1962, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 2(6) AND (7), 4(2) AND (3), 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), 4(2) and (3), 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 (Testing Instruments) Exemption Order (Northern Ireland), 1962, 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;

"class 1 source" means a closed source containing, in the aggregate, not more than five microcuries of all the radionuclides present, including

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

radionuclides which are decay products of other radionuclides present;

"class 2 source" means a closed source containing, in the aggregate, more than five microcuries of all the radionuclides present, including radionuclides which are decay products of other radionuclides present;

"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;

"exhibition" means a display held for the purposes of any trade, business or profession, and includes any demonstration of the use or uses to which material included in such a display may be put;

"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 present, including radionuclides which are decay products of other radionuclides present, do not emit alpha particles, and in which the number of microcuries of all the radionuclides present, including radionuclides which are decay products of other radionuclides present, does not exceed, in the aggregate, ten; or

(*b*) is made partly from, or incorporates, such a substance and radioactive material solely because of the presence of the 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;

"the Ministry" means the Ministry of Health and Local Government;

"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;

"testing instrument" means any apparatus, equipment or appliance designed for testing, measuring or otherwise investigating any of the characteristics of substances or articles;

and any reference to an exempted source is a reference to a source falling within Article 5(*b*) or a source described in, and incorporated in a testing instrument falling within, Article 5(*a*), being either a source so kept or used, or a source incorporated in a testing instrument so kept or used, as to be within the exemption from registration granted by Article 3, or a source which is, or is incorporated in, mobile radioactive apparatus in respect of which exemption from registration is granted by Article 9(1).

(2) For the purposes of sub-paragraph (*b*)(ii) of Article 11(2), all premises in the same occupation and lying within the same curtilage shall together be

treated as the premises in respect of which the condition in that sub-paragraph applies.

(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. Subject to the provisions of Articles 6, 7 and 8, any person who, on any premises to which this Article applies 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.

Classes of premises to which exemption relates

4. Article 3 does not apply to premises used for or in connection with the manufacture of radioactive material falling within Article 5 or for the storage of such material by the manufacturer, but, save as aforesaid, applies to premises of any class.

Descriptions of radioactive material to which exemption relates

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

(*a*) a testing instrument which is radioactive material solely because it incorporates—

(i) a laminated source or a sealed source containing, in the aggregate, not more than one hundred microcuries of all the radionuclides present, including radionuclides which are decay products of other radionuclides present; or

(ii) a homogeneous source; or

(iii) sources each of which is a homogeneous source, a laminated source or a sealed source (whether or not they are all sources of one of those descriptions) and all of which, taken together, contain not more than one hundred microcuries, in the aggregate, of all the radionuclides present, including radionuclides which are decay products of other radionuclides present;

OR

(*b*) a source which is not incorporated in a testing instrument but is supplied for use with, or for testing or calibrating, such an instrument, being—

(i) a laminated source or a sealed source containing, in the aggregate, not more than one hundred microcuries of all the radionuclides present, including radionuclides which are decay products of other radionuclides present; or

(ii) a homogeneous source.

Limitation of exemption under Section 1

6. The exemption granted by Article 3 is not granted in respect of the keeping and use of the material as an exhibit at an exhibition.

Exemption under Section 1 without condition

7. The exemption granted by Article 3 in respect of the keeping and use of—

(a) 1954. c. 33.