

## SCHEDULE 8

### RADIOACTIVE SUBSTANCES ACTIVITIES

#### PART 1

##### Scope and interpretation

##### **Substances or articles after disposal**

**11.**—(1) A substance or article is not radioactive material or radioactive waste during the excluded period where—

- (a) the substance or article has been disposed of lawfully, and at the time of the disposal no further act of disposal is intended in respect of it; or
- (b) the substance or article—
  - (i) is contaminated by a substance or article to which head (a) applies, including where such contamination occurs indirectly through another contaminated substance or article;
  - (ii) in the absence of such contamination, would not otherwise be radioactive material or radioactive waste; and
  - (iii) is not contaminated with the intention of using its radioactive, fissile or fertile properties.

(2) In sub-paragraph (1), “the excluded period” means the period—

- (a) beginning at the relevant start time; and
- (b) ending in the circumstances specified in sub-paragraph (4).

(3) The relevant start time—

- (a) where the substance or article has been disposed of and—
  - (i) is solid at the time of the disposal;
  - (ii) is disposed of by abandonment, burial or deposit (whether underground or otherwise) on premises in accordance with an authorisation,

is the time of the revocation or surrender of that authorisation and where any conditions applied to a surrender notice have ceased to apply;

- (b) where the substance or article is contaminated by a substance or article to which head (a) applies, including where such contamination occurs indirectly through another contaminated substance or article, is the time of the revocation of the authorisation referred to in head (a)(ii); or

(c) in relation to any other substance or article—

- (i) is the time of the disposal; or
- (ii) where the substance or article is one to which sub-paragraph (1)(b) applies, is the time of the disposal of the substance or article that caused it, directly or indirectly, to be contaminated.

(4) Where, after the beginning of the excluded period, the relevant substance or article is subject to a process which leads to an increase in the radiation exposure of the public or any plant or animal, the excluded period ends at the time of that increase.