
STATUTORY INSTRUMENTS

1991 No. 563 (S.48)

**ATOMIC ENERGY AND
RADIOACTIVE SUBSTANCES**

**The Radioactive Substances (Smoke Detectors)
Exemption (Scotland) Amendment Order 1991**

<i>Made</i>	- - - -	<i>8th March 1991</i>
<i>Laid before Parliament</i>		<i>12th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State, in exercise of the powers conferred on him by sections 2(6) and (7) and 15(3) of the Radioactive Substances Act 1960⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, extent and commencement

1. This Order may be cited as the Radioactive Substances (Smoke Detectors) Exemption (Scotland) Amendment Order 1991, shall extend to Scotland only and shall come into force on 1st April 1991.

Amendment of the Radioactive Substances (Smoke Detectors) Exemption (Scotland) Order 1980

2.—(1) The Radioactive Substances (Smoke Detectors) Exemption (Scotland) Order 1980⁽²⁾ shall be amended as follows.

(2) In article 6—

(a) in paragraph (1) for the words “does not exceed 100” there shall be substituted the words “does not exceed 500 and, in a case where the total number of such smoke detectors present on the premises at any given time exceeds 100, subject also to the conditions specified in paragraph (1A) of this article”;

(b) after paragraph (1) there shall be inserted the following paragraph:—

“(1A) The conditions to which the preceding paragraph refers are—

(1) 1960 c. 34; section 2(6) was amended by the Environmental Protection Act 1990 (c. 43), section 100(3).
(2) S.I. 1980/1599.

- (a) that all reasonably practicable measures are taken to ensure that each such smoke detector, except when on display for the purpose of sale, is kept in a store which—
 - (i) is constructed, maintained and used so as to prevent the loss or unauthorised removal of the smoke detector;
 - (ii) is constructed of non-combustible materials;
 - (iii) does not contain and is not located close to any explosive or flammable material; and
 - (iv) is clearly and legibly marked with the word “Radioactive” and the radiation symbol conforming to the specification for a basic symbol to denote the actual or potential presence of ionizing radiation published by the British Standards Institution and numbered BS 3510: 1968⁽³⁾ or the basic ionizing radiation symbol published by the International Organisation for Standardization and numbered ISO 361: 1975; and
- (b) that all reasonably practicable measures are taken to maintain on the premises clear, legible and up-to-date records of each such smoke detector kept on the premises and its location.”;
- (c) in each of paragraph (2)(b)(i) and (c), for the words “the Secretary of State at the Scottish Development Department, New St Andrews House, Edinburgh”, there shall be substituted the words “the chief inspector”⁽⁴⁾.

St Andrew’s House,
Edinburgh
8th March 1991

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

⁽³⁾ The Standard Book Number (SBN) in respect of BS 3510: 1968 is 58000086.

⁽⁴⁾ A definition of “chief inspector” was inserted in section 19 of the 1960 Act by the Environmental Protection Act 1990 (“the 1990 Act”), Schedule 5, paragraph 3 and is to be read with section 20(a) of the 1960 Act, as amended by the 1990 Act. Schedule 5, paragraph 18(a). The address of the chief inspector is 27 Perth Street, Edinburgh.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends provisions of the Radioactive Substances (Smoke Detectors) Exemption (Scotland) Order 1980 (“the 1980 Order”) relating to the exemption from registration under section 1 of the Radioactive Substances Act 1960 in respect of the keeping and use of smoke detectors.

The limitation in article 6(1) of the 1980 Order on the total number of smoke detectors on premises in respect of which exemption is granted is increased from 100 to 500. In addition two conditions are imposed where the total number of smoke detectors on the premises exceeds 100. One condition deals with storage of smoke detectors when not displayed for the purpose of sale. The other requires the maintenance of records of smoke detectors kept on the premises (see article 2(2)(a) and (b) of this Order).

The chief inspector appointed under the Radioactive Substances Act 1960 must in future be notified under article 6(2) of the 1980 Order (instead of the Secretary of State) where, for example, there are reasonable grounds for believing that a radioactive source incorporated in a smoke detector fixed to premises has been lost or stolen (see article 2(c) of this Order).

A copy of the British Standard mentioned in article 2(2)(b) of this Order is available from any of the sales outlets of the British Standards Institution or by post from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE (Telephone number: Milton Keynes (STD 0908 220022)). A copy of the International Standard mentioned in that provision is also available from British Standards Institution but only by post from the same address in Milton Keynes.