

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2011 No. 147**

**The Radioactive Substances Exemption (Scotland) Order 2011**

**PART 8**

Transitional Provisions

**Previously exempt activity in relation to mobile radioactive apparatus**

**22.**—(1) This article applies to a person (“A”) carrying on an activity immediately before 1st October 2011 in relation to mobile radioactive apparatus (the “continuing activity”) where—

- (a) the activity is described in section 9 (prohibition of use of mobile radioactive apparatus without registration); and
- (b) immediately before 1st October 2011 A was exempted from the duty to hold a registration granted under section 10 (registration of mobile radioactive apparatus) in relation to that activity under one of the Orders listed in Schedule 3 to this Order.

(2) In relation to the continuing activity the exemption described in paragraph (1)(b) continues to have effect in relation to A, subject to any conditions specified in the Order in which that exemption is contained, until the date calculated in accordance with paragraph (3).

(3) The date referred to in paragraph (2) is—

- (a) where, in relation to the continuing activity, A does not become exempted under article 10 of this Order from the duty to hold a registration before 1st April 2012—
  - (i) where A applies for a registration under section 10 in relation to that activity before 1st April 2012—
    - (aa) if the application is granted, the date of grant;
    - (bb) if the application is refused and A appeals against the refusal under section 26, the date on which the appeal is determined or withdrawn;
    - (cc) if the application is refused, and A is entitled to appeal against the refusal in accordance with section 26, but does not do so, the date which is the day after the last day on which an appeal could have been brought, determined in accordance with the appeals regulations; or
    - (dd) if the application is refused, and A is not entitled to appeal against the refusal in accordance with section 26, the date of the refusal; or
  - (ii) where A does not so apply, the earlier of—
    - (aa) 1st April 2012; or
    - (bb) the day on which A ceases to carry out the activity;
- (b) where A does become so exempted under that article before 1st April 2012, the day on which A first becomes so exempted.

(4) Where A—

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

- (a) on 1st October 2011, holds a registration under section 10 in respect of an activity described in paragraph (1) to which paragraph (1)(b) does not apply; and
  - (b) in relation to that continuing activity, applies for a variation of that registration instead of applying for a new registration,
- then paragraph (3) applies to A in relation to the calculation of the duration of the exemption, but with references in that paragraph to an application for a variation of a registration under section 12 substituted for references to an application for a registration under section 10.