



# Radioactive Substances Act 1993

## 1993 CHAPTER 12

### *Authorisation of disposal and accumulation of radioactive waste*

#### 13 Disposal of radioactive waste. **U.K.**

- [<sup>F1</sup>(1) Subject to section 15, no person shall, except in accordance with an authorisation granted in that behalf under this subsection, dispose of any radioactive waste on or from any premises which are used for the purposes of any undertaking carried on by him, or cause or permit any radioactive waste to be so disposed of, if (in any such case) he knows or has reasonable grounds for believing it to be radioactive waste.
- (2) Where any person keeps any mobile radioactive apparatus for the purpose of its being used in activities to which section 9 applies, he shall not dispose of any radioactive waste arising from any such apparatus so kept by him, or cause or permit any such radioactive waste to be disposed of, except in accordance with an authorisation granted in that behalf under this subsection.
- (3) Subject to subsection (4) and to section 15, where any person, in the course of the carrying on by him of an undertaking, receives any radioactive waste for the purpose of its being disposed of by him, he shall not, except in accordance with an authorisation granted in that behalf under this subsection, dispose of that waste, or cause or permit it to be disposed of, knowing or having reasonable grounds for believing it to be radioactive waste.
- (4) The disposal of any radioactive waste does not require an authorisation under subsection (3) if it is waste which falls within the provisions of an authorisation granted under subsection (1) or (2), and it is disposed of in accordance with the authorisation so granted.
- (5) In relation to any premises which—
- (a) are situated on a nuclear site, but
  - (b) have ceased to be used for the purposes of an undertaking carried on by the licensee,
- subsection (1) shall apply (subject to section 15) as if the premises were used for the purposes of an undertaking carried on by the licensee.]

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*Changes to legislation: Radioactive Substances Act 1993, Cross Heading: Authorisation of disposal and accumulation of radioactive waste is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F1** S. 13 repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 11(2)(k), **Sch. 28** (with reg. 1(2), Sch. 4)

#### Modifications etc. (not altering text)

**C1** S. 13 excluded (E.W.S) (17.5.2002) by [The Radioactive Substances \(Natural Gas\) Exemption Order 2002 \(S.I. 2002/1177\)](#), **art. 3**

### 14 Accumulation of radioactive waste. **U.K.**

<sup>F2</sup>(1) Subject to the provisions of this section and section 15, no person shall, except in accordance with an authorisation granted in that behalf under this section, accumulate any radioactive waste (with a view to its subsequent disposal) on any premises which are used for the purposes of an undertaking carried on by him, or cause or permit any radioactive waste to be so accumulated, if (in any such case) he knows or has reasonable grounds for believing it to be radioactive waste.

(2) Where the disposal of any radioactive waste has been authorised under section 13, and in accordance with that authorisation the waste is required or permitted to be accumulated with a view to its subsequent disposal, no further authorisation under this section shall be required to enable the waste to be accumulated in accordance with the authorisation granted under section 13.

(3) Subsection (1) shall not apply to the accumulation of radioactive waste on any premises situated on a nuclear site.

(4) For the purposes of this section, where radioactive material is produced, kept or used on any premises, and any substance arising from the production, keeping or use of that material is accumulated in a part of the premises appropriated for the purpose, and is retained there for a period of not less than three months, that substance shall, unless the contrary is proved, be presumed—

- (a) to be radioactive waste, and
- (b) to be accumulated on the premises with a view to the subsequent disposal of the substance.]

#### Textual Amendments

**F2** S. 14 repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 11(2)(l), **Sch. 28** (with reg. 1(2), Sch. 4)

#### Modifications etc. (not altering text)

**C2** S. 14 excluded (E.W.S) (17.5.2002) by [The Radioactive Substances \(Natural Gas\) Exemption Order 2002 \(S.I. 2002/1177\)](#), **art. 3**

### 15 Further exemptions from ss. 13 and 14. **E+W**

<sup>F3</sup><sup>F4</sup>(1) . . . . .

<sup>F5</sup>(1A) The circumstances referred to in subsection (1) are that—

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- (a) no radionuclide other than tritium, promethium 147 or radium 226 is present in any clock or watch on the premises (whether or not any radioactive waste arises from it),
  - (b) no such clock or watch contains more than one of those radionuclides, and
  - (c) either subsection (1B) or (1C) is satisfied.
- (1B) This subsection is satisfied if the total quantity of tritium divided by  $10^9$ , plus the total quantity of promethium 147 divided by  $10^7$ , plus the total quantity of radium 226 divided by  $10^4$ , in all such clocks and watches does not exceed 1 (quantity in each case measured in becquerels).
- (1C) This subsection is satisfied if—
- (a) all such clocks and watches fall within a description specified in the first column of the table below,
  - (b) radioactive waste arises from no more than five of them,
  - (c) none of those five gives rise to a quantity of radioactive waste exceeding the figure in the third column of the Table corresponding to the relevant radionuclide listed in the second column.

TABLE

<i>Type of clock or watch</i>	<i>Radionuclide</i>	<i>Relevant value (becquerels)</i>
(i) Watches bearing radioluminescent deposits and intended to be worn or carried on the person	Tritium	$2.8 \times 10^8$
	Promethium 147	$5.5 \times 10^6$
	Radium 226	$5.6 \times 10^3$
(ii) Clocks bearing radioluminescent deposits	Tritium	$3.7 \times 10^8$
	Promethium 147	$7.4 \times 10^6$
	Radium 226	$7.4 \times 10^3$
(iii) Clocks or watches requiring greater luminosity than categories (i) or (ii) above, and having their dials marked at the time of manufacture with “T 25” (tritium), “Pm 0.5” (Promethium 147) or “Ra 1.5” (Radium 226)	Tritium	$9.3 \times 10^8$
	Promethium 147	$1.9 \times 10^7$
	Radium 226	$5.6 \times 10^4$
(iv) Watches containing small sealed glass tubes	Tritium	$7.4 \times 10^9$

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<i>Type of clock or watch</i>	<i>Radionuclide</i>	<i>Relevant value (becquerels)</i>
internally coated with a phosphor and filled with tritium gas		

- (2) [<sup>F6</sup>The] Secretary of State may by order [<sup>F7</sup>exempt] particular descriptions of radioactive waste from any of the provisions of section 13 or 14, either absolutely or subject to limitations or conditions; and accordingly such of those provisions as may be specified in an order under this subsection shall not apply to a disposal or accumulation of radioactive waste if it is radioactive waste of a description so specified, and (where the [<sup>F8</sup>exemption] is subject to limitations or conditions) the limitations or conditions specified in the order are complied with.
- (3) In the application of this section to Northern Ireland, the reference to the Secretary of State shall have effect as a reference to the Department of the Environment for Northern Ireland.]

#### Textual Amendments

- F3** S. 15(1) repealed (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), **4(1)** and (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, **4(1)**
- F4** Act repealed (except for ss. 49(1) for specified purposes and s. 51, Sch. 4 paras. 2, 5-9, 11) (E.W.) (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\)](#), **reg. 17** (with reg. 18(2)-(4), Sch. 3)
- F5** S. 15(1A)-(1C) inserted (N.I.) (1.5.2003) by [The Radioactive Substances \(Basic Safety Standards\) Regulations \(Northern Ireland\) 2003 \(S.R. 2003/208\)](#), regs. 1, **4(1)(b)**
- F6** Word in s. 15(2) substituted (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), **4(2)(a)** and (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, **4(2)(a)**
- F7** Word in s. 15(2) substituted (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), **4(2)(b)** and (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, **4(2)(b)**
- F8** Word in s. 15(2) substituted (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), **4(2)(c)** and (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, **4(2)(c)**

#### Modifications etc. (not altering text)

- C3** S. 15(2) excluded (E.W.) by S.I. 2010/675, reg. 2(4) (as inserted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), **Sch. 3 para. 2(b)** (with regs. 2, 47(2)))

## 16 Grant of authorisations. **E+W+S**

- [<sup>F9</sup>(1) In this section, unless a contrary intention appears, “authorisation” means an authorisation granted under section 13 or 14.

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- (2) <sup>F10</sup>..., the power to grant authorisations shall be exercisable by the [<sup>F11</sup>appropriate Agency].
- <sup>F12</sup>(3) .....
- (4) Any application for an authorisation shall be accompanied by the [<sup>F13</sup>charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995].
- [(4A) Without prejudice to subsection (5), on any application for an authorisation under section 13(1) in respect of the disposal of radioactive waste on or from any premises situated on a nuclear site <sup>F14</sup>..., the appropriate Agency—
- (a) shall consult the [<sup>F15</sup>Food Standards Agency] and the [<sup>F16</sup>Office for Nuclear Regulation] before deciding whether to grant an authorisation on that application and, if so, subject to what limitations or conditions, and
  - (b) shall consult the [<sup>F17</sup>Food Standards Agency] concerning the terms of the authorisation, for which purpose that Agency shall, before granting any authorisation on that application, send [<sup>F17</sup>that Agency] a copy of any authorisation which it proposes so to grant.]
- <sup>F18</sup>(4B) In the application of this section to Scotland, the references in subsection (4A) to the Food Standards Agency are to be read as references to Food Standards Scotland.]
- (5) Before granting an authorisation under section 13(1) in respect of the disposal of radioactive waste on or from premises situated on a nuclear site, the [<sup>F11</sup>appropriate Agency][<sup>F19</sup>shall] consult with such local authorities, relevant water bodies or other public or local authorities as appear to [<sup>F19</sup>that Agency] to be proper to be consulted by [<sup>F19</sup>that Agency].
- (6) On [<sup>F20</sup> receipt of an application ], the [<sup>F11</sup>appropriate Agency] shall, subject to directions under section 25, send a copy of the application to each local authority in whose area, in accordance with the authorisation applied for, radioactive waste is to be disposed of or accumulated.
- (7) An application for an authorisation [<sup>F21</sup>(other than an application for an authorisation under section 13(1) in respect of the disposal of radioactive waste on or from any premises situated on a nuclear site in any part of Great Britain)] which is duly made to the [<sup>F11</sup>appropriate Agency] may be treated by the applicant as having been refused if it is not determined within the prescribed period for determinations or such longer period as may be agreed with the applicant.
- (8) An authorisation may be granted—
- (a) either in respect of radioactive waste generally or in respect of such one or more descriptions of radioactive waste as may be specified in the authorisation, and
  - (b) subject to such limitations or conditions as the [<sup>F11</sup>appropriate Agency][<sup>F22</sup>thinks] fit.
- (9) Where any authorisation is granted, the [<sup>F11</sup> appropriate Agency]—
- <sup>F23</sup>(a) shall furnish the person to whom the authorisation is granted with a certificate which contains all material particulars of the authorisation or gives sufficient information as to the particulars to enable them to be ascertained, and]
  - (b) shall, subject to directions under section 25, send a copy of the certificate—

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- (i) to each local authority in whose area, in accordance with the authorisation, radioactive waste is to be disposed of or accumulated, and
  - (ii) in the case of an authorisation to which subsection (5) applies, to any other public or local authority consulted in relation to the authorisation in accordance with that subsection.
- (10) An authorisation shall have effect as from such date as may be specified in it; and in fixing that date, in the case of an authorisation where copies of the certificate are required to be sent as mentioned in subsection (9)(b), the [<sup>F11</sup>appropriate Agency] ...—
- (a) shall have regard to the time at which those copies may be expected to be sent, and
  - (b) shall fix a date appearing to [<sup>F24</sup>it] to be such as will allow an interval of not less than twenty-eight days after that time before the authorisation has effect, unless in [<sup>F24</sup>its] opinion it is necessary that the coming into operation of the authorisation should be immediate or should otherwise be expedited.

<sup>F25</sup>(11) . . . . . ]

#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

#### Textual Amendments

- F9** S. 16 repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), [Sch. 26 para. 11\(2\)\(n\)](#), [Sch. 28](#) (with reg. 1(2), [Sch. 4](#))
- F10** Words in s. 16(2) repealed (E.W.S.) (1.4.1996) by [1995 c. 25, s. 120\(1\)\(3\)](#), [Sch. 22 para. 205\(2\)](#), [Sch. 24](#) (with ss. [7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#)
- F11** Words in s. 16 substituted (E.W.S.) (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22 para. 200](#) (with ss. [7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#)
- F12** S. 16(3) repealed (E.W.S.) (1.4.1996) by [1995 c. 25, s. 120\(1\)\(3\)](#), [Sch. 22 para. 205\(3\)](#), [Sch. 24](#) (with ss. [7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#)
- F13** Words in s. 16(4) repealed (E.W.S.) (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22 para. 205\(4\)](#), [Sch. 24](#) (with ss. [7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#)
- F14** Words in s. 16(4A) omitted (S.) (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 67\(a\)](#); [S.I. 2014/251](#), [art. 4](#)
- F15** Words in s. 16(4A)(a) substituted (1.4.2000) by [1999 c. 28, s. 40\(2\)](#), [Sch. 5 para. 43\(2\)\(a\)](#) (with ss. [38](#), [40\(2\)](#)); [S.I. 2000/1066](#), [art. 2](#)
- F16** Words in s. 16(4A)(a) substituted (S.) (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), [Sch. 12 para. 67\(b\)](#); [S.I. 2014/251](#), [art. 4](#)
- F17** Words in s. 16(4A)(b) substituted (1.4.2000) by [1999 c. 28, s. 40\(2\)](#), [Sch. 5 para. 43\(2\)\(b\)](#) (with ss. [38](#), [40\(2\)](#)); [S.I. 2000/1066](#), [art. 2](#)
- F18** [S. 16\(4B\)](#) inserted (S.) (1.4.2015) by [Food \(Scotland\) Act 2015 \(asp 1\)](#), s. 63(2), [sch. para. 5\(2\)](#) (with s. 62); [S.S.I. 2015/99](#), [art. 2](#)
- F19** Words in s. 16(5) substituted (E.W.S.) (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22 para. 205\(6\)](#) (with ss. [7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#)
- F20** Words in s. 16(6) substituted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 15 para. 2](#); [S.I. 2004/1973](#), [art. 2](#), [Sch.](#)
- F21** Words in s. 16(7) substituted (E.W.S.) (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22 para. 205\(7\)](#) (with ss. [7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#)

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- F22** Words in s. 16(8)(b) substituted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 205(8)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F23** S. 16(9)(a) substituted (20.10.2005) by High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005 (S.I. 2005/2686), regs. 1(2), **12**
- F24** Words in s. 16(10) substituted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 205(9)(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F25** S. 16(11) repealed (1.4.2000) by 1999 c. 28, s. 40(2)(4), Sch. 5 para. 43(2)(c), **Sch. 6** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

**Modifications etc. (not altering text)**

- C4** S. 16(4A) amended (1.4.2000) by 1999 c. 28, s. 18, **Sch. 3 Pt. III para. 21** (with s. 38); S.I. 2000/1066, **art. 2**

**16 Grant of authorisations. N.I.**

- (1) In this section, unless a contrary intention appears, “authorisation” means an authorisation granted under section 13 or 14.
- (2) Subject to subsection (3), the power to grant authorisations shall be exercisable by the chief inspector.
- (3) In England, Wales and Northern Ireland, the power to grant authorisations under section 13(1) in respect of the disposal of radioactive waste on or from any premises situated on a nuclear site shall be exercisable by the chief inspector and the appropriate Minister; and the disposal of radioactive waste on or from any such premises in England, Wales or Northern Ireland shall not be treated as authorised under section 13(1) unless it is so authorised by both the chief inspector and that Minister.
- (4) Any application for an authorisation shall be accompanied by the prescribed fee.
- (5) Before granting an authorisation under section 13(1) in respect of the disposal of radioactive waste on or from premises situated on a nuclear site, the chief inspector and, where the premises are in England, Wales or Northern Ireland, the appropriate Minister shall each consult with such local authorities, relevant water bodies or other public or local authorities as appear to him to be proper to be consulted by him.
- (6) On [F20 receipt of an application ], the chief inspector shall, subject to directions under section 25, send a copy of the application to each local authority in whose area, in accordance with the authorisation applied for, radioactive waste is to be disposed of or accumulated.
- (7) An application for an authorisation (other than an application to which subsection (3) applies) which is duly made to the chief inspector may be treated by the applicant as having been refused if it is not determined within the prescribed period for determinations or such longer period as may be agreed with the applicant.
- (8) An authorisation may be granted—
  - (a) either in respect of radioactive waste generally or in respect of such one or more descriptions of radioactive waste as may be specified in the authorisation, and
  - (b) subject to such limitations or conditions as the chief inspector or, as the case may be, the chief inspector and the appropriate Minister think fit.
- (9) Where any authorisation is granted, the chief inspector—

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- [<sup>F23</sup>(a) shall furnish the person to whom the authorisation is granted with a certificate which contains all material particulars of the authorisation or gives sufficient information as to the particulars to enable them to be ascertained, and]
- (b) shall, subject to directions under section 25, send a copy of the certificate—
- (i) to each local authority in whose area, in accordance with the authorisation, radioactive waste is to be disposed of or accumulated, and
  - (ii) in the case of an authorisation to which subsection (5) applies, to any other public or local authority consulted in relation to the authorisation in accordance with that subsection.
- (10) An authorisation shall have effect as from such date as may be specified in it; and in fixing that date, in the case of an authorisation where copies of the certificate are required to be sent as mentioned in subsection (9)(b), the chief inspector or, as the case may be, the chief inspector and the appropriate Minister—
- (a) shall have regard to the time at which those copies may be expected to be sent, and
  - (b) shall fix a date appearing to him or them to be such as will allow an interval of not less than twenty-eight days after that time before the authorisation has effect,
- unless in his or their opinion it is necessary that the coming into operation of the authorisation should be immediate or should otherwise be expedited.

#### Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

#### Textual Amendments

- F20** Words in s. 16(6) substituted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 15 para. 2](#); [S.I. 2004/1973](#), art. 2, [Sch.](#)
- F23** S. 16(9)(a) substituted (20.10.2005) by [High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005 \(S.I. 2005/2686\)](#), regs. 1(2), [12](#)

### [<sup>F26</sup>16A Transfer of authorisations **U.K.**

- [<sup>F27</sup>(1) This section applies where—
- (a) a person (“ the transferor ”) holds an authorisation granted under section 13 in respect of the disposal of radioactive waste on or from premises situated on a nuclear site; and
  - (b) an application is made under this section for a transfer (in whole or in part) of that authorisation to another person (“ the transferee ”).
- (2) An application under this section is one which—
- (a) is made to the authorising authority jointly by the transferor and the transferee;
  - (b) is accompanied by the appropriate amount; and
  - (c) in the case of an application for a transfer relating to part only of the premises, identifies the part in question.
- (3) The appropriate amount for the purposes of subsection (2) is—



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- (a) if the application is made to the appropriate Agency, the amount of the charge (if any) that is prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995; and
  - (b) if it is made to the chief inspector, the prescribed fee.
- (4) The authorising authority must, on receipt of the application (but subject to directions under section 25 and to subsection (6)), send a copy of the application to every local authority in whose area radioactive waste may be disposed of under the authorisation to which the application relates.
- (5) Before granting the application, the authorising authority must (subject to subsection (6)) consult everyone whom it would have been required to consult under section 16(4A) and (5) if—
  - (a) the transferee had applied for the grant of the authorisation that he would hold were the application to be granted; and
  - (b) in the case of a partial transfer, the transferor had applied for the grant (in place of his existing authorisation) of the authorisation he would hold in those circumstances.
- (6) The authorising authority may proceed with the application without—
  - (a) sending a copy of the application to a local authority mentioned in subsection (4), or
  - (b) consulting an authority or body mentioned in section 16(5) about the proposed transfer,if it appears to the authorising authority that arrangements for the disposal of radioactive waste are unlikely to be changed, as a result of the transfer, in a way that would be of interest to that authority or body.
- (7) The authorising authority may grant the application if, and only if, it is satisfied—
  - (a) that the transferee has or will have operational control over the disposals to which the transferred authorisation will relate;
  - (b) that he is able and willing to ensure compliance with the limitations and conditions of the authorisation that he will hold if the application is granted; and
  - (c) that no other grounds exist on which it would be reasonable to refuse to grant the application.
- (8) Where the authorising authority grants the application, it must—
  - (a) fix the date from which the transfer applied for is to have effect;
  - [<sup>F28</sup>(b) furnish the transferee with a certificate which contains all material particulars of the authorisation he holds as a result of the transfer or gives sufficient information as to the particulars to enable them to be ascertained;]
  - (c) in the case of a partial transfer, furnish the transferor with a similar certificate as respects the authorisation he holds as a result of the transfer; and
  - (d) subject to directions under section 25, send a copy of the certificate furnished to the transferee, and of any certificate furnished to the transferor—
    - (i) to every local authority in whose area radioactive waste may be disposed of under the authorisation to which the certificate relates; and
    - (ii) to every person consulted about the transfer under so much of subsection (5) as requires consultation in accordance with section 16(5).

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*Changes to legislation: Radioactive Substances Act 1993, Cross Heading: Authorisation of disposal and accumulation of radioactive waste is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (9) The time fixed as the time from which the transfer is to have effect must be not less than twenty-eight days after the day (if any) on which the authorising authority, when it fixes that time, expects copies of the certificates mentioned in paragraph (d) of subsection (8) to be sent out in accordance with that paragraph.
- (10) Subsection (9) does not apply if, in the opinion of the authorising authority, it is necessary for the transfer to have immediate effect or otherwise to be expedited.
- (11) In this section “authorising authority” —
- (a) in relation to an authorisation having effect in Great Britain, means the appropriate Agency; and
  - (b) in relation to an authorisation having effect in Northern Ireland, means the chief inspector.]]

#### Textual Amendments

- F26** S. 16A inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), ss. 72, 198(2); S.I. 2004/1973, art. 2, Sch.
- F27** S. 16A repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 11(2)(o), [Sch. 28](#) (with reg. 1(2), Sch. 4)
- F28** S. 16A(8)(b) substituted (20.10.2005) by [High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005 \(S.I. 2005/2686\)](#), regs. 1(2), 13

## 17 Revocation and variation of authorisations. **E+W+S**

- [<sup>F29</sup>(1) The [<sup>F30</sup>appropriate Agency] may at any time revoke an authorisation granted under section 13 or 14.
- (2) The [<sup>F30</sup>appropriate Agency] may at any time vary an authorisation granted under section 13 or 14—
- (a) where the authorisation has effect without limitations or conditions, by attaching limitations or conditions to it, or
  - (b) where the authorisation has effect subject to limitations or conditions, by revoking or varying any of those limitations or conditions or by attaching further limitations or conditions to the authorisation.
- [<sup>F31</sup>(2ZA) The powers of the appropriate Agency and of the chief inspector under this section are exercisable with or without the making of an application by the person holding the authorisation.
- (2ZB) But where an application for the variation of an authorisation is made by that person, it must be accompanied—
- (a) in the case of an application made to the appropriate Agency, by the charge (if any) that is prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995; and
  - (b) in the case of an application to the chief inspector, by the prescribed fee.]

[(2A) On any proposal to vary an authorisation granted under section 13(1) in respect of the disposal of radioactive waste on or from any premises situated on a nuclear site <sup>F32</sup>..., the appropriate Agency—

    - (a) shall consult the [<sup>F33</sup>Food Standards Agency] and the [<sup>F34</sup>Office for Nuclear Regulation] before deciding whether to vary the authorisation and, if so,

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whether by attaching, revoking or varying any limitations or conditions or by attaching further limitations or conditions, and

- (b) shall consult the <sup>F35</sup>Food Standards Agency] concerning the terms of any variation, for which purpose that Agency shall, before varying the authorisation, send <sup>F35</sup>that Agency] a copy of any variations which it proposes to make.]

<sup>F36</sup>(2B) In the application of this section to Scotland, the references in subsection (2A) to the Food Standards Agency are to be read as references to Food Standards Scotland.]

(3) Where any authorisation granted under section 13 or 14 is revoked or varied, the <sup>F30</sup>appropriate Agency]—

- (a) shall give notice of the revocation or variation to the person to whom the authorisation was granted, and
- (b) if a copy of the certificate of authorisation was sent to a public or local authority in accordance with section 16(9)(b), shall send a copy of the notice to that authority.

<sup>F37</sup>(4) . . . . .

<sup>F38</sup>(5) . . . . . ]

#### Extent Information

**E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

#### Textual Amendments

**F29** S. 17 repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 11(2)(p), **Sch. 28** (with reg. 1(2), Sch. 4)

**F30** Words in s. 17 substituted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 200** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**F31** S. 17(2ZA)(2ZB) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 73**, 198(2); S.I. 2004/1973, art. 2, Sch.

**F32** Words in s. 17(2A) omitted (S.) (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 68(a)**; S.I. 2014/251, art. 4

**F33** Words in s. 17(2A)(a) substituted (1.4.2000) by 1999 c. 28, s. 40(2), **Sch. 5 para. 43(3)(a)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

**F34** Words in s. 17(2A)(a) substituted (S.) (1.4.2014) by [Energy Act 2013 \(c. 32\)](#), s. 156(1), **Sch. 12 para. 68(b)**; S.I. 2014/251, art. 4

**F35** Words in s. 17(2A)(b) substituted (1.4.2000) by 1999 c. 28, s. 40(2), **Sch. 5 para. 43(3)(b)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

**F36** S. 17(2B) inserted (S.) (1.4.2015) by [Food \(Scotland\) Act 2015 \(asp 1\)](#), s. 63(2), **sch. para. 5(3)** (with s. 62); S.S.I. 2015/99, art. 2

**F37** S. 17(4) repealed (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 206(2), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**F38** S. 17(5) repealed (1.4.2000) by 1999 c. 28, s. 40(1)(2)(4), Sch. 5 para. 43(3)(c), **Sch. 6** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

#### Modifications etc. (not altering text)

**C5** S. 17(2A) amended (1.4.2000) by 1999 c. 28, s. 18, **Sch. 3 Pt. III para. 21** (with s. 38); S.I. 2000/1066, **art. 2**

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*Changes to legislation: Radioactive Substances Act 1993, Cross Heading: Authorisation of disposal and accumulation of radioactive waste is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 17 Revocation and variation of authorisations. **N.I.**

- (1) The chief inspector may at any time revoke an authorisation granted under section 13 or 14.
- (2) The chief inspector may at any time vary an authorisation granted under section 13 or 14—
- (a) where the authorisation has effect without limitations or conditions, by attaching limitations or conditions to it, or
  - (b) where the authorisation has effect subject to limitations or conditions, by revoking or varying any of those limitations or conditions or by attaching further limitations or conditions to the authorisation.
- [<sup>F31</sup>(2ZA) The powers of the appropriate Agency and of the chief inspector under this section are exercisable with or without the making of an application by the person holding the authorisation.
- (2ZB) But where an application for the variation of an authorisation is made by that person, it must be accompanied—
- (a) in the case of an application made to the appropriate Agency, by the charge (if any) that is prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995; and
  - (b) in the case of an application to the chief inspector, by the prescribed fee.]
- (3) Where any authorisation granted under section 13 or 14 is revoked or varied, the chief inspector—
- (a) shall give notice of the revocation or variation to the person to whom the authorisation was granted, and
  - (b) if a copy of the certificate of authorisation was sent to a public or local authority in accordance with section 16(9)(b), shall send a copy of the notice to that authority.
- (4) In relation to an authorisation granted by the chief inspector and the appropriate Minister, references in subsections (1) and (2) to the chief inspector shall have effect as references to the chief inspector and that Minister.

### Extent Information

**E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

### Textual Amendments

**F31** S. 17(2ZA)(2ZB) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), ss. 73, 198(2); S.I. 2004/1973, art. 2, Sch.

## [<sup>F39</sup>17A Review of authorisations **U.K.**

- [<sup>F40</sup>(1) The authorising authority—
- (a) must carry out periodic reviews of the limitations and conditions attached to each authorisation under section 13 or 14; and

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Radioactive Substances Act 1993, Cross Heading: Authorisation of disposal and accumulation of radioactive waste is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) may, at any other time, carry out any such additional review of the limitations and conditions attached to an authorisation under either of those sections as it thinks fit.
- (2) In this section—
- “ the authorising authority ”—
- (a) in relation to an authorisation having effect in Great Britain, means the appropriate Agency; and
- (b) in relation to an authorisation having effect in Northern Ireland, means the chief inspector;
- “ periodic reviews ”, in relation to an authorisation, means reviews at such regular intervals as the authorising authority thinks fit in the case of that authorisation. ]]

#### Textual Amendments

- F39** S. 17A inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), ss. 74, 198(2); S.I. 2004/1973, art. 2, Sch.
- F40** S. 17A repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 11(2)(q), [Sch. 28](#) (with reg. 1(2), Sch. 4)

## 18 Functions of public and local authorities in relation to authorisations under s. 13. **E+W+S**

- [<sup>F41</sup>(1) If, in considering an application for an authorisation under section 13, it appears to the [<sup>F42</sup> appropriate Agency]. . . that the disposal of radioactive waste to which the application relates is likely to involve the need for special precautions to be taken by a local authority, relevant water body or other public or local authority, the [<sup>F42</sup> appropriate Agency]. . . shall consult with that public or local authority before granting the authorisation.
- (2) Where a public or local authority take any special precautions in respect of radioactive waste disposed of in accordance with an authorisation granted under section 13, and those precautions are taken—
- (a) in compliance with the conditions subject to which the authorisation was granted, or
- (b) with the prior approval of the [<sup>F42</sup> appropriate Agency]. . . as being precautions which in the circumstances ought to be taken by that public or local authority, the public or local authority shall have power to make such charges, in respect of the taking of those precautions, as may be agreed between that authority and the person to whom the authorisation was granted, or as, in default of such agreement, may be determined by the [<sup>F42</sup> appropriate Agency], and to recover the charges so agreed or determined from that person.
- (3) Where an authorisation granted under section 13 requires or permits radioactive waste to be removed to a place provided by a local authority as a place for the deposit of refuse, it shall be the duty of that local authority to accept any radioactive waste removed to that place in accordance with the authorisation, and, if the authorisation contains any provision as to the manner in which the radioactive waste is to be dealt with after its removal to that place, to deal with it in the manner indicated in the authorisation.]

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Radioactive Substances Act 1993, Cross Heading: Authorisation of disposal and accumulation of radioactive waste is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Extent Information

- E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only.

#### Textual Amendments

- F41** S. 18 repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), [reg. 1\(1\)\(b\)](#), [Sch. 26 para. 11\(2\)\(r\)](#), [Sch. 28](#) (with [reg. 1\(2\)](#), [Sch. 4](#))
- F42** Words in s. 18 substituted (E.W.S.) (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22 para.200](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/186](#), [art. 3](#)

### 18 **Functions of public and local authorities in relation to authorisations under s. 13. N.I.**

- (1) If, in considering an application for an authorisation under section 13, it appears to the chief inspector (or, in a case where the power to grant the authorisation is exercisable by the chief inspector and the appropriate Minister, it appears to either the chief inspector or that Minister) that the disposal of radioactive waste to which the application relates is likely to involve the need for special precautions to be taken by a local authority, relevant water body or other public or local authority, the chief inspector or the appropriate Minister, as the case may be, shall consult with that public or local authority before granting the authorisation.
- (2) Where a public or local authority take any special precautions in respect of radioactive waste disposed of in accordance with an authorisation granted under section 13, and those precautions are taken—
- (a) in compliance with the conditions subject to which the authorisation was granted, or
  - (b) with the prior approval of the chief inspector (or, where the authorisation was granted by the chief inspector and the appropriate Minister, with the prior approval of either the chief inspector or that Minister) as being precautions which in the circumstances ought to be taken by that public or local authority,
- the public or local authority shall have power to make such charges, in respect of the taking of those precautions, as may be agreed between that authority and the person to whom the authorisation was granted, or as, in default of such agreement, may be determined by the chief inspector, and to recover the charges so agreed or determined from that person.
- (3) Where an authorisation granted under section 13 requires or permits radioactive waste to be removed to a place provided by a local authority as a place for the deposit of refuse, it shall be the duty of that local authority to accept any radioactive waste removed to that place in accordance with the authorisation, and, if the authorisation contains any provision as to the manner in which the radioactive waste is to be dealt with after its removal to that place, to deal with it in the manner indicated in the authorisation.

#### Extent Information

- E6** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

**Status:**

Point in time view as at 01/04/2015.

**Changes to legislation:**

Radioactive Substances Act 1993, Cross Heading: Authorisation of disposal and accumulation of radioactive waste is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.