



# Radioactive Substances Act 1993

## 1993 CHAPTER 12

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

#### **13 Disposal of radioactive waste**

- (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.

## **14 Accumulation of radioactive waste**

- (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.

## **15 Further exemptions from ss. 13 and 14**

- (1) Sections 13(1) and (3) and 14(1) shall not apply to the disposal or accumulation of any radioactive waste arising from clocks or watches, but this subsection does not affect the operation of section 13(1) or section 14(1) in relation to the disposal or accumulation of radioactive waste arising from clocks or watches on or from premises which, by virtue of subsection (5) of section 8, are excluded from the operation of subsection (4) of that section.
- (2) Without prejudice to subsection (1), the Secretary of State may by order exclude 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 exclusion 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.

## **16 Grant of authorisations**

- (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 any application being made, 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—
  - (a) shall furnish the person to whom the authorisation is granted with a certificate containing all material particulars of the authorisation, 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.

## **17 Revocation and variation of authorisations**

- (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.
- (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.

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

- (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.