



# Radioactive Substances Act 1960 (repealed 27.8.1993)

1960 CHAPTER 34 8 and 9 Eliz 2

## 12 Rights of entry and inspection.

- (1) . . . . .<sup>F1</sup>
- (2) Any person being either an inspector appointed under the preceding subsection or a person authorised in that behalf by the [<sup>F2</sup>Secretary of State](in this section referred to as an “inspector”) may, for the purposes of the execution of this Act,—
- (a) enter, at any reasonable time [<sup>F3</sup>or, in an emergency, at any time], upon any premises to which this subsection applies, with such equipment as the inspector may require;
  - (b) carry out such tests [<sup>F4</sup>(including dismantling and subjecting to any process)]and inspections [<sup>F5</sup>and take such photographs]on any such premises, and obtain and take away such samples . . . <sup>F6</sup>therefrom, as the inspector may consider necessary or expedient; . . . <sup>F7</sup>
  - [<sup>F8</sup>(bb) give directions that the whole or any part of such premises, or anything in them, be left undisturbed for so long as is reasonably necessary for the purposes of any tests or inspections; and]
  - (c) require the occupier of any such premises, or any person with duties on or in connection with the premises, to provide the inspector with [<sup>F9</sup>such facilities and assistance and]such information relating to the use of the premises, or to permit him to inspect such documents relating thereto, as the inspector may [<sup>F10</sup>require, and in the case of answers to his questions, to sign a declaration of the truth of the answers].
- (3) The last preceding subsection applies—
- (a) to any premises in respect of which a person is for the time being registered under section one of this Act;
  - (b) to any premises in respect of which a person is exempted from such registration by . . . <sup>F11</sup>subsection (2) of section two of this Act; and

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- (c) to any premises in respect of which an authorisation granted under subsection (1) of section six of this Act, or under section seven of this Act, is for the time being in force:

Provided that, in relation to premises belonging to or used for the purposes of the Authority, the last preceding subsection shall have effect subject to the provisions of subsection (3) of section six of the <sup>M1</sup>Atomic Energy Authority Act 1954 (which restricts entry to such premises where they have been declared to be prohibited places for the purposes of the <sup>M2</sup>Official Secrets Act 1911).

- (4) Where an inspector has reasonable grounds for believing that radioactive material has been or is being kept or used on any premises to which subsection (2) of this section does not apply, or that radioactive waste has been or is being disposed of or accumulated on or from any such premises, the inspector may exercise, in relation to those premises, any of the powers which are conferred by subsection (2) of this section in relation to premises to which the said subsection (2) applies:

Provided that this subsection shall have effect subject to the provisions of subsection (6) of this section.

- (5) Subject to the next following subsection, any person authorised in that behalf by the [<sup>F12</sup>Secretary of State] may at any reasonable time enter upon any premises for the purpose of disposing of radioactive waste in the exercise of the powers conferred by subsection (4) of section ten of this Act.
- (6) [<sup>F13</sup>Subject to the next following subsection] no power shall be exercisable by virtue of subsection (4) or subsection (5) of this section in respect of any premises except—
- (a) with consent given by or on behalf of the occupier of the premises, or
  - (b) under the authority of a warrant granted under the provisions of the Second Schedule to this Act, or
  - (c) where entry is required in a case of emergency.

- [<sup>F14</sup>(6A) The last preceding subsection does not apply in respect of premises in respect of which—

- (a) a person has been (but is no longer) registered under section one of this Act; or
- (b) an authorisation has been (but is no longer) in force under subsection (1) of section six or under section seven of this Act; or

in respect of premises on which there are reasonable grounds for believing that mobile radioactive apparatus has been or being kept or used.]

- (7) For the purposes of the execution of this Act in relation to any such premises as are mentioned in subsection (1) of section eight of this Act,—
- (a) the Minister of Agriculture, Fisheries and Food may appoint as inspectors such number of persons appearing to him to be qualified for the purpose as he may from time to time consider necessary or expedient, and may make to or in respect of any person so appointed such payments, by way of remuneration, allowances or otherwise, as he may with the approval of the Treasury determine; and
  - (b) subject to the provisions of subsection (3) of section six of the <sup>M3</sup>Atomic Energy Authority Act, 1954, any person being either an inspector so appointed or a person authorised in that behalf by the Minister of Agriculture, Fisheries and Food may for those purposes exercise in relation to any such premises

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(but not in relation to any other premises) any of the powers conferred by paragraphs (a) to (c) of subsection (2) of this section, as if references in those paragraphs to an inspector included a reference to a person appointed or authorised as mentioned in this paragraph.

- [<sup>F15</sup>(7A) An inspector appointed under section 11A of this Act or under subsection (7)(a) of this section shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of his powers under this section if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.
- (7B) In England and Wales, an inspector appointed under section 11A of this Act, if authorised to do so by the chief inspector, may, although not of counsel or a solicitor, prosecute before a magistrates' court proceedings for an offence under section 13 of this Act.]
- (8) The provisions of the Second Schedule to this Act shall have effect for the purposes of this section.
- (9) In this section any reference to a case of emergency is a reference to a case where a person requiring entry to any premises in pursuance of this section has reasonable cause to believe that circumstances exist which are likely to endanger life or health, and that immediate entry to the premises is necessary to verify the existence of those circumstances or to ascertain their cause or to effect a remedy.

#### Textual Amendments

- F1** S. 12(1) repealed by Environmental Protection Act 1990(c. 43, SIF 46:4), s. 162(2), Sch. 16 Pt. V
- F2** Words substituted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 100(3)
- F3** Words inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 105, Sch. 5 para. 13(2)(a)
- F4** Words inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 105, Sch. 5 para. 13(2)(b)(i)
- F5** Words inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 105, Sch. 5 para. 13(2)(b)(ii)
- F6** Words repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 105, 162(2), Sch. 5 para. 13(2)(b)(iii), Sch. 16 Pt. V
- F7** Word repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), Sch. 16 Pt. V
- F8** S. 12(2)(bb) inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 105, Sch. 5 para. 13(c)
- F9** Words inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 105, Sch. 5 para. 13(2)(d)
- F10** Words substituted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 105, Sch. 5 para. 13(2)(d)
- F11** Words repealed by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), Sch. 16 Pt. V
- F12** Words substituted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 100(3)
- F13** Words inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 105, Sch. 5 para. 13(3)
- F14** S. 12(6A) inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 105, Sch. 5 para. 13(3)
- F15** S. 12(7A)(7B) inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 105, Sch. 5 para. 13(4)

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

- C1** Functions of Treasury under s. 12 now again exercisable by Treasury: 1968/1656, S.I. 1981/1670, art. 2(2)
- C2** S. 12 amended by S.I. 1990/2598, art. 2
- C3** S. 12(7) certain functions of Minister of Agriculture transferred by S.I. 1978/272, art. 2

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#### **Marginal Citations**

**M1** 1954 c. 32.

**M2** 1911 c. 28.

**M3** 1954 c. 32.

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