



Radioactive Substances Act 1948

1948 CHAPTER 37 11 and 12 Geo 6

8 Offences and penalties.

- (1) Any person guilty of an offence under subsection (4) of the last preceding section shall be liable, on summary conviction, to a fine not exceeding [^{F1}twenty pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds][^{F1}level 4 on the standard scale].
- (2) Any person guilty of an offence under subsection (5) of the last preceding section shall—
 - (a) on summary conviction, be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment; or
 - (b) on conviction on indictment, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.
- (3) Any person guilty of an offence under any other provision of this Act shall be liable, on summary conviction, to a fine not exceeding [^{F2}one hundred pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds][^{F2}level 4 on the standard scale]or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (4) If the act or omission constituting an offence under any provision of this Act in respect of which a person is convicted is continued after conviction, he shall be guilty of a further offence and may, on summary conviction, be punished accordingly.
- (5) Where an offence under any provision of this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Status: Point in time view as at 27/08/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Radioactive Substances Act 1948, Section 8. (See end of Document for details)

- (6) The court by which any person is convicted of an offence under any provision of this Act in respect of any substances or apparatus may order that the substances or apparatus shall be forfeited to the Crown.
- (7) Nothing in this section shall apply to offences arising under section two of this Act.

Textual Amendments

- F1** “level 4 on the standard scale” substituted (S.) for from “twenty pounds” to the end by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289H, **Sch. 7D**
- F2** “level 4 on the standard scale” substituted (S.) for from “one hundred pounds” where first occurring to “one hundred pounds” where secondly occurring by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289H, **Sch. 7D**

Modifications etc. (not altering text)

- C1** In S. 8(1): [Criminal Justice Act 1982 \(c. 48 SIF 39:1\)](#), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)
- C2** In S. 8(1) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 39(2), 46, **Sch. 3** it is provided (E. W.) that section 8(1) shall have effect as if the maximum fine that may be imposed on conviction of any offence under section 7(4) were a fine not exceeding £500 instead of a fine not exceeding £100 and by s. 46 of the 1982 Act it is provided that a reference to level 4 on the standard scale shall be substituted for that reference to £500
- C3** [S. 8\(1\): S. I. 1984/703 \(N.I. 3\)](#), **art. 9** (in relation to liability on first and subsequent convictions), art. 6 (increase of fines) and art. 5 (substitution of references to levels on the standard scale) apply (N. I.)
- C4** [S. 8\(3\): Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E. W.)
- C5** In s. 8(3) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 39(2), 46, **Sch. 3** it is provided (E. W.) that section 8(3) shall have effect as if the maximum fine that may be imposed on conviction of any offence under the Act (other than under s. 7(4)) were a fine not exceeding £500 instead of a fine not exceeding £100 and by s. 46 of the 1982 Act it is provided that a reference to level 4 on the standard scale shall be substituted for that reference to £500
- C6** In s. 8(3) by [S. I. 1984/703 \(N. I. 3\)](#), **art. 7(2)**, **Sch. 3** it is provided that the Act shall have effect as if the maximum fine that may be imposed on conviction of any offence mentioned in section 8(3) were a fine not exceeding £500 instead of a fine not exceeding £100 and by virtue of art. 5 of [S. I. 1984/703](#) it is provided that a reference to level 4 on the standard scale shall be substituted for such reference to £500

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Changes to legislation:

There are currently no known outstanding effects for the Radioactive Substances Act 1948, Section 8.