



# Radioactive Substances Act 1993

## 1993 CHAPTER 12

### *Preliminary*

#### **1 Meaning of “radioactive material”. U.K.**

- (1) In this Act “radioactive material” means anything which, not being waste, is either a substance to which this subsection applies or an article made wholly or partly from, or incorporating, such a substance.
- (2) Subsection (1) applies to any substance falling within either or both of the following descriptions, that is to say,—
  - (a) a substance containing an element specified in the first column of Schedule 1, in such a proportion that the number of becquerels of that element contained in the substance, divided by the number of grams which the substance weighs, is a number greater than that specified in relation to that element in the appropriate column of that Schedule;
  - (b) a substance possessing radioactivity which is wholly or partly attributable to a process of nuclear fission or other process of subjecting a substance to bombardment by neutrons or to ionising radiations, not being a process occurring in the course of nature, or in consequence of the disposal of radioactive waste, or by way of contamination in the course of the application of a process to some other substance.
- (3) In subsection (2)(a) “the appropriate column”—
  - (a) in relation to a solid substance, means the second column,
  - (b) in relation to a liquid substance, means the third column, and
  - (c) in relation to a substance which is a gas or vapour, means the fourth column.
- (4) For the purposes of subsection (2)(b), a substance shall not be treated as radioactive material if the level of radioactivity is less than such level as may be prescribed for substances of that description.
- (5) The Secretary of State may by order vary the provisions of Schedule 1, either by adding further entries to any column of that Schedule or by altering or deleting any entry for the time being contained in any column.

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- (6) In the application of this section to Northern Ireland, the reference in subsection (5) to the Secretary of State shall have effect as a reference to the Department of the Environment for Northern Ireland.

## 2 Meaning of “radioactive waste”. **U.K.**

In this Act “radioactive waste” means waste which consists wholly or partly of—

- (a) a substance or article which, if it were not waste, would be radioactive material, or
- (b) a substance or article which has been contaminated in the course of the production, keeping or use of radioactive material, or by contact with or proximity to other waste falling within paragraph (a) or this paragraph.

## 3 Meaning of “mobile radioactive apparatus”. **U.K.**

In this Act “mobile radioactive apparatus” means any apparatus, equipment, appliance or other thing which is radioactive material and—

- (a) is constructed or adapted for being transported from place to place, or
- (b) is portable and designed or intended to be used for releasing radioactive material into the environment or introducing it into organisms.

### *Inspectors and chief inspector*

## 4 Inspectors and chief inspector appointed by Secretary of State. **U.K.**

- (1) The Secretary of State may appoint as inspectors, to assist him in the execution of this Act, such number of persons appearing to him to be qualified for the purpose as he may from time to time consider necessary or expedient.
- (2) For the purposes of this Act the Secretary of State shall—
  - (a) appoint one of those inspectors to be chief inspector for England and Wales, and
  - (b) appoint one of them to be chief inspector for Scotland.
- (3) A person may be appointed both as an inspector or as chief inspector under this section and as an inspector or as chief inspector under section 16 of the <sup>M1</sup>Environmental Protection Act 1990.
- (4) The chief inspector may, to any extent, delegate his functions under this Act to any other inspector appointed under this section.
- (5) The Secretary of State may make to or in respect of any person appointed by him under this section such payments, by way of remuneration, allowances or otherwise, as he may, with the approval of the Treasury, determine.
- (6) In England and Wales, an inspector appointed under this section, 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 this Act.
- (7) In the application of this section to Northern Ireland—
  - (a) references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland,

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- (b) the reference in subsection (5) to the Treasury shall have effect as a reference to the Department of Finance and Personnel in Northern Ireland,
- (c) the reference in subsection (3) to section 16 of the <sup>M2</sup>Environmental Protection Act 1990 shall have effect as a reference to section 10 of the <sup>M3</sup>Alkali, &c. Works Regulation Act 1906,
- (d) subsections (2) and (6) shall not apply;

and the Department of the Environment for Northern Ireland shall appoint one of the inspectors appointed by it under subsection (1) to be the chief inspector for Northern Ireland.

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

- C1** S. 4: transfer of functions (E.W.S.) (12.10.1995) by 1995 c. 25, s. 21(1)(e) (with ss. 7(6), 115, 117); S.I. 1995/2649, art. 2

**Marginal Citations**

- M1** 1990 c. 43.  
**M2** 1990 c. 43.  
**M3** 1906 c. 14.

**5 Appointment of inspectors by Minister of Agriculture, Fisheries and Food. U.K.**

- (1) For the purposes of the execution of this Act in relation to any premises in England which are situated on a nuclear site, 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.
- (2) The Minister of Agriculture, Fisheries and Food may make to or in respect of any person appointed by him under this section such payments, by way of remuneration, allowances or otherwise, as he may, with the approval of the Treasury, determine.
- (3) This section shall have effect in relation to Northern Ireland as it has effect in relation to England, but with the substitution—
  - (a) for references to the Minister of Agriculture, Fisheries and Food of references to the Department of Agriculture for Northern Ireland, and
  - (b) for the reference to the Treasury of a reference to the Department of Finance and Personnel in Northern Ireland.

*Registration relating to use of radioactive material and mobile radioactive apparatus*

**6 Prohibition of use of radioactive material without registration. U.K.**

No person shall, on any premises which are used for the purposes of an undertaking carried on by him, keep or use, or cause or permit to be kept or used, radioactive material of any description, knowing or having reasonable grounds for believing it to be radioactive material, unless either—

- (a) he is registered under section 7 in respect of those premises and in respect of the keeping and use on those premises of radioactive material of that description, or

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- (b) he is exempted from registration under that section in respect of those premises and in respect of the keeping and use on those premises of radioactive material of that description, or
- (c) the radioactive material in question consists of mobile radioactive apparatus in respect of which a person is registered under section 10 or is exempted from registration under that section.

## 7 Registration of users of radioactive material. **U.K.**

- (1) Any application for registration under this section shall be made to the chief inspector and shall—
  - (a) specify the particulars mentioned in subsection (2),
  - (b) contain such other information as may be prescribed, and
  - (c) be accompanied by the prescribed fee.
- (2) The particulars referred to in subsection (1)(a) are—
  - (a) the premises to which the application relates,
  - (b) the undertaking for the purposes of which those premises are used,
  - (c) the description or descriptions of radioactive material proposed to be kept or used on the premises, and the maximum quantity of radioactive material of each such description likely to be kept or used on the premises at any one time, and
  - (d) the manner (if any) in which radioactive material is proposed to be used on the premises.
- (3) On any application being made under this section, the chief inspector shall, subject to directions under section 25, send a copy of the application to each local authority in whose area the premises are situated.
- (4) Subject to the following provisions of this section, where an application is made to the chief inspector for registration under this section in respect of any premises, the chief inspector may either—
  - (a) register the applicant in respect of those premises and in respect of the keeping and use on those premises of radioactive material of the description to which the application relates, or
  - (b) if the application relates to two or more descriptions of radioactive material, register the applicant in respect of those premises and in respect of the keeping and use on those premises of such one or more of those descriptions of radioactive material as may be specified in the registration, or
  - (c) refuse the application.
- (5) An application for registration under this section 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 within such longer period as may be agreed with the applicant.
- (6) Any registration under this section in respect of any premises may (subject to subsection (7)) be effected subject to such limitations or conditions as the chief inspector thinks fit, and in particular (but without prejudice to the generality of this subsection) may be effected subject to conditions of any of the following descriptions—

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- (a) conditions imposing requirements (including, if the chief inspector thinks fit, requirements involving structural or other alterations) in respect of any part of the premises, or in respect of any apparatus, equipment or appliance used or to be used on any part of the premises for the purposes of any use of radioactive material from which radioactive waste is likely to arise,
  - (b) conditions requiring the person to whom the registration relates, at such times and in such manner as may be specified in the registration, to furnish the chief inspector with information as to the removal of radioactive material from those premises to any other premises, and
  - (c) conditions prohibiting radioactive material from being sold or otherwise supplied from those premises unless it (or the container in which it is supplied) bears a label or other mark—
    - (i) indicating that it is radioactive material, or
    - (ii) if the conditions so require, indicating the description of radioactive material to which it belongs,and (in either case) complying with any relevant requirements specified in the conditions.
- (7) In the exercise of any power conferred on him by subsection (4) or (6), the chief inspector, except in determining whether to impose any conditions falling within paragraph (b) or (c) of subsection (6), shall have regard exclusively to the amount and character of the radioactive waste likely to arise from the keeping or use of radioactive material on the premises in question.
- (8) On registering a person under this section in respect of any premises, the chief inspector—
- (a) shall furnish him with a certificate containing all material particulars of the registration, and
  - (b) subject to directions under section 25, shall send a copy of the certificate to each local authority in whose area the premises are situated.

## 8 Exemptions from registration under s. 7. **U.K.**

- (1) At any time while a nuclear site licence is in force in respect of a site, and at any time after the revocation or surrender of such a licence but before the period of responsibility of the licensee has come to an end, the licensee (subject to subsection (2)) is exempted from registration under section 7 in respect of any premises situated on that site and in respect of the keeping and use on those premises of radioactive material of every description.
- (2) Where, in the case of any such premises as are mentioned in subsection (1), it appears to the chief inspector that, if the licensee had been required to apply for registration under section 7 in respect of those premises, the chief inspector would have imposed conditions such as are mentioned in paragraph (b) or (c) of subsection (6) of that section, the chief inspector may direct that the exemption conferred by subsection (1) of this section shall have effect subject to such conditions (being conditions which in the opinion of the chief inspector correspond to those which he would so have imposed) as may be specified in the direction.
- (3) On giving a direction under subsection (2) in respect of any premises, the chief inspector shall furnish the licensee with a copy of the direction.

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- (4) Except as provided by subsection (5), in respect of all premises all persons are exempted from registration under section 7 in respect of the keeping and use on the premises of clocks and watches which are radioactive material.
- (5) Subsection (4) does not exempt from registration under section 7 any premises on which clocks or watches are manufactured or repaired by processes involving the use of luminous material.
- (6) The Secretary of State may by order grant further exemptions from registration under section 7, by reference to such classes of premises and undertakings, and such descriptions of radioactive material, as may be specified in the order.
- (7) Any exemption granted by an order under subsection (6) may be granted subject to such limitations or conditions as may be specified in the order.
- (8) In the application of this section to Northern Ireland, the reference in subsection (6) to the Secretary of State shall have effect as a reference to the Department of the Environment for Northern Ireland.

## 9 **Prohibition of use of mobile radioactive apparatus without registration.** U.K.

- (1) No person shall, for the purpose of any activities to which this section applies—
  - (a) keep, use, lend or let on hire mobile radioactive apparatus of any description, or
  - (b) cause or permit mobile radioactive apparatus of any description to be kept, used, lent or let on hire,
 unless he is registered under section 10 in respect of that apparatus or is exempted from registration under that section in respect of mobile radioactive apparatus of that description.
- (2) This section applies to activities involving the use of the apparatus concerned for—
  - (a) testing, measuring or otherwise investigating any of the characteristics of substances or articles, or
  - (b) releasing quantities of radioactive material into the environment or introducing such material into organisms.

## 10 **Registration of mobile radioactive apparatus.** U.K.

- (1) Any application for registration under this section shall be made to the chief inspector and—
  - (a) shall specify—
    - (i) the apparatus to which the application relates, and
    - (ii) the manner in which it is proposed to use the apparatus,
  - (b) shall contain such other information as may be prescribed, and
  - (c) shall be accompanied by the prescribed fee.
- (2) Where an application is made to the chief inspector for registration under this section in respect of any apparatus, the chief inspector may register the applicant in respect of that apparatus, either unconditionally or subject to such limitations or conditions as the chief inspector thinks fit, or may refuse the application.

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- (3) 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 it appears to him the apparatus will be kept or will be used for releasing radioactive material into the environment.
- (4) An application for registration under this section 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 within such longer period as may be agreed with the applicant.
- (5) On registering a person under this section in respect of any mobile radioactive apparatus, the chief inspector—
  - (a) shall furnish him with a certificate containing all material particulars of the registration, and
  - (b) shall, subject to directions under section 25, send a copy of the certificate to each local authority in whose area it appears to him the apparatus will be kept or will be used for releasing radioactive material into the environment.

## 11 Exemptions from registration under s. 10. **U.K.**

- (1) The Secretary of State may by order grant exemptions from registration under section 10, by reference to such classes of persons, and such descriptions of mobile radioactive apparatus, as may be specified in the order.
- (2) Any exemption granted by an order under subsection (1) may be granted subject to such limitations or conditions as may be specified in the order.
- (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.

## 12 Cancellation and variation of registration. **U.K.**

- (1) Where any person is for the time being registered under section 7 or 10, the chief inspector may at any time cancel the registration, or may vary it—
  - (a) where the registration has effect without limitations or conditions, by attaching limitations or conditions to it, or
  - (b) where the registration 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 registration.
- (2) On cancelling or varying a registration by virtue of this section, the chief inspector shall—
  - (a) give notice of the cancellation or variation to the person to whom the registration relates, and
  - (b) if a copy of the certificate was sent to a local authority in accordance with section 7(8) or 10(5), send a copy of the notice to that local authority.

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

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

- (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.

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

- C2** 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.**

- (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



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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.

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

- C3** 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. U.K.**

- (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. U.K.**

- (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

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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.

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## 17 **Revocation and variation of authorisations.** **U.K.**

- (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.** **U.K.**

- (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.

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- (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.

*Further obligations relating to registration or authorisation*

**19 Duty to display documents. U.K.**

At all times while—

- (a) a person is registered in respect of any premises under section 7, or
- (b) an authorisation granted in respect of any premises under section 13(1) or 14 is for the time being in force,

the person to whom the registration relates, or to whom the authorisation was granted, as the case may be, shall cause copies of the certificate of registration or authorisation issued to him under this Act to be kept posted on the premises, in such characters and in such positions as to be conveniently read by persons having duties on those premises which are or may be affected by the matters set out in the certificate.

**20 Retention and production of site or disposal records. U.K.**

- (1) The chief inspector may, by notice served on any person to whom a registration under section 7 or 10 relates or an authorisation under section 13 or 14 has been granted, impose on him such requirements authorised by this section in relation to site or disposal records kept by that person as the chief inspector may specify in the notice.
- (2) The requirements that may be imposed on a person under this section in relation to site or disposal records are—
  - (a) to retain copies of the records for a specified period after he ceases to carry on the activities regulated by his registration or authorisation, or
  - (b) to furnish the chief inspector with copies of the records in the event of his registration being cancelled or his authorisation being revoked or in the event of his ceasing to carry on the activities regulated by his registration or authorisation.
- (3) In relation to authorisations under section 13 so far as the power to grant or revoke such authorisations is exercisable by the chief inspector and the appropriate Minister, references in subsections (1) and (2) of this section to the chief inspector shall be construed as references to the chief inspector and that Minister.
- (4) In this section, in relation to a registration and the person registered or an authorisation and the person authorised—
 

“the activities regulated” by his registration or authorisation means—

  - (a) in the case of registration under section 7, the keeping or use of radioactive material,
  - (b) in the case of registration under section 10, the keeping, using, lending or hiring of the mobile radioactive apparatus,

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(c) in the case of an authorisation under section 13, the disposal of radioactive waste, and

(d) in the case of an authorisation under section 14, the accumulation of radioactive waste,

“records” means records required to be kept by virtue of the conditions attached to the registration or authorisation relating to the activities regulated by the registration or authorisation, and “site records” means records relating to the condition of the premises on which those activities are carried on or, in the case of registration in respect of mobile radioactive apparatus, of any place where the apparatus is kept and “disposal records” means records relating to the disposal of radioactive waste on or from the premises on which the activities are carried on, and

“specified” means specified in a notice under this section.

### *Enforcement notices and prohibition notices*

## **21 Enforcement notices. U.K.**

- (1) Subject to the provisions of this section, if the chief inspector is of the opinion that a person to whom a registration under section 7 or 10 relates or to whom an authorisation was granted under section 13 or 14—
- (a) is failing to comply with any limitation or condition subject to which the registration or authorisation has effect, or
  - (b) is likely to fail to comply with any such limitation or condition,
- he may serve a notice under this section on that person.
- (2) A notice under this section shall—
- (a) state that the chief inspector is of that opinion,
  - (b) specify the matters constituting the failure to comply with the limitations or conditions in question or the matters making it likely that such a failure will occur, as the case may be, and
  - (c) specify the steps that must be taken to remedy those matters and the period within which those steps must be taken.
- (3) In the case of an authorisation granted by the chief inspector and the appropriate Minister in accordance with section 16(3), the power to issue notices under this section shall be exercisable by the chief inspector or by that Minister as if references in subsections (1) and (2) to the chief inspector were references to the chief inspector or that Minister.
- (4) Where a notice is served under this section the chief inspector or, where the notice is served by the appropriate Minister, that Minister shall—
- (a) in the case of a registration, if a certificate relating to the registration was sent to a local authority under section 7(8) or 10(5), or
  - (b) in the case of an authorisation, if a copy of the authorisation was sent to a public or local authority under section 16(9)(b),
- send a copy of the notice to that authority.

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## 22 Prohibition notices. **U.K.**

- (1) Subject to the provisions of this section, if the chief inspector is of the opinion, as respects the keeping or use of radioactive material or of mobile radioactive apparatus, or the disposal or accumulation of radioactive waste, by a person in pursuance of a registration or authorisation under this Act, that the continuing to carry on that activity (or the continuing to do so in a particular manner) involves an imminent risk of pollution of the environment or of harm to human health, he may serve a notice under this section on that person.
- (2) A notice under this section may be served whether or not the manner of carrying on the activity in question complies with any limitations or conditions to which the registration or authorisation in question is subject.
- (3) A notice under this section shall—
  - (a) state the chief inspector's opinion,
  - (b) specify the matters giving rise to the risk involved in the activity, the steps that must be taken to remove the risk and the period within which those steps must be taken, and
  - (c) direct that the registration or authorisation shall, until the notice is withdrawn, wholly or to the extent specified in the notice cease to have effect.
- (4) Where the registration or authorisation is not wholly suspended by the direction given under subsection (3), the direction may specify limitations or conditions to which the registration or authorisation is to be subject until the notice is withdrawn.
- (5) In the case of an authorisation granted by the chief inspector and the appropriate Minister in accordance with section 16(3), the power to issue and withdraw notices under this section shall be exercisable by the chief inspector or by the appropriate Minister as if references in subsections (1) and (3) to the chief inspector were references to the chief inspector or that Minister.
- (6) Where a notice is served under this section the chief inspector or, where the notice is served by the appropriate Minister, that Minister shall—
  - (a) in the case of a registration, if a certificate relating to the registration was sent to a local authority under section 7(8) or 10(5), or
  - (b) in the case of an authorisation, if a copy of the authorisation was sent to a public or local authority under section 16(9)(b),
 send a copy of the notice to that authority.
- (7) The chief inspector or, where the notice was served by the appropriate Minister, that Minister shall, by notice to the recipient, withdraw a notice under this section when he is satisfied that the risk specified in it has been removed; and on so doing he shall send a copy of the withdrawal notice to any public or local authority to whom a copy of the notice under this section was sent.

*Powers of Secretary of State in relation to applications etc.*

## 23 Power of Secretary of State to give directions to chief inspector. **U.K.**

- (1) The Secretary of State may, if he thinks fit in relation to—
  - (a) an application for registration under section 7 or 10,
  - (b) an application for an authorisation under section 13 or 14, or

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- (c) any such registration or authorisation,  
give directions to the chief inspector requiring him to take any of the steps mentioned in the following subsections in accordance with the directions.
- (2) A direction under subsection (1) may require the chief inspector so to exercise his powers under this Act as—
- (a) to refuse an application for registration or authorisation,
  - (b) to effect or grant a registration or authorisation, attaching such limitations or conditions (if any) as may be specified in the direction, or
  - (c) to vary a registration or authorisation, as may be so specified, or
  - (d) to cancel or revoke (or not to cancel or revoke) a registration or authorisation.
- (3) The Secretary of State may give directions to the chief inspector, as respects any registration or authorisation, requiring him to serve a notice under section 21 or 22 in such terms as may be specified in the directions.
- (4) The Secretary of State may give directions requiring the chief inspector to send such written particulars relating to, or to activities carried on in pursuance of, registrations effected or authorisations granted under any provision of this Act as may be specified in the directions to such local authorities as may be so specified.
- (5) In the application of this section to Northern Ireland, references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland.

## 24 **Power of Secretary of State to require certain applications to be determined by him. U.K.**

- (1) The Secretary of State may—
- (a) give general directions to the chief inspector requiring him to refer applications under this Act for registrations or authorisations of any description specified in the directions to the Secretary of State for his determination, and
  - (b) give directions to the chief inspector in respect of any particular application requiring him to refer the application to the Secretary of State for his determination.
- (2) Where an application is referred to the Secretary of State in pursuance of directions given under this section, the Secretary of State may cause a local inquiry to be held in relation to the application.
- (3) The following provisions shall apply to inquiries in pursuance of subsection (2)—
- (a) in England and Wales, subsections (2) to (5) of section 250 of the <sup>M4</sup>Local Government Act 1972 (supplementary provisions about local inquiries under that section) but with the omission, in subsection (4) of that section, of the words “such local authority or”,
  - (b) in Scotland, subsections (2) to (8) of section 210 of the <sup>M5</sup>Local Government (Scotland) Act 1973 (power to direct inquiries), and
  - (c) in Northern Ireland, Schedule 8 to the <sup>M6</sup>Health and Personal Services (Northern Ireland) Order 1972 (provisions as to inquiries).

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- (4) After determining any application so referred, the Secretary of State may give the chief inspector directions under section 23 as to the steps to be taken by him in respect of the application.
- (5) In the application of this section to Northern Ireland, references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland.

#### Marginal Citations

- M4** 1972 c. 70.  
**M5** 1973 c. 65.  
**M6** S.I. 1972/1265 (N.I. 14).

## 25 Power of Secretary of State to restrict knowledge of applications etc. **U.K.**

- (1) The Secretary of State may direct the chief inspector that in his opinion, on grounds of national security, it is necessary that knowledge of—
  - (a) any particular application for registration under section 7 or 10 or applications of any description specified in the directions, or
  - (b) any particular registration or registrations of any description so specified, should be restricted.
- (2) The Secretary of State or, in a case falling within section 16(3) in relation to premises in England, the Secretary of State and the Minister of Agriculture, Fisheries and Food, may direct the chief inspector that in his or their opinion, on grounds of national security, it is necessary that knowledge of—
  - (a) any particular application for authorisation under section 13 or 14 or applications of any description specified in the directions, or
  - (b) any particular authorisation under either of those sections or authorisations of any description so specified, should be restricted.
- (3) Where it appears to the chief inspector that an application, registration or authorisation is the subject of any directions under this section, the chief inspector shall not send a copy of the application or the certificate of registration or authorisation, as the case may be—
  - (a) to any local authority under any provision of section 7 or 10, or
  - (b) to any public or local authority under any provision of section 16.
- (4) In the application of this section to Northern Ireland—
  - (a) references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland, and
  - (b) in subsection (2), the reference to England shall have effect as a reference to Northern Ireland and the reference to the Minister of Agriculture, Fisheries and Food shall have effect as a reference to the Department of Agriculture for Northern Ireland.



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## Appeals

### 26 Registrations, authorisations and notices: appeals from decisions of chief inspector. **U.K.**

- (1) Where the chief inspector—
  - (a) refuses an application for registration under section 7 or 10, or refuses an application for an authorisation under section 13 or 14,
  - (b) attaches any limitations or conditions to such a registration or to such an authorisation, or
  - (c) varies such a registration or such an authorisation, otherwise than by revoking a limitation or condition subject to which it has effect, or
  - (d) cancels such a registration or revokes such an authorisation,the person directly concerned may, subject to subsection (3), appeal to the Secretary of State.
- (2) A person on whom a notice under section 21 or 22 is served may, subject to subsections (3) and (4), appeal against the notice to the Secretary of State.
- (3) No appeal shall lie—
  - (a) under subsection (1) in relation to authorisations which are subject to section 16(3);
  - (b) under subsection (1) or (2) in respect of any decision taken by the chief inspector in pursuance of a direction of the Secretary of State under section 23 or 24.
- (4) No appeal shall lie under subsection (2) in respect of any notice served in England, Wales or Northern Ireland by the appropriate Minister in exercise of the power under section 21 or 22.
- (5) In this section “the person directly concerned” means—
  - (a) in relation to a registration under section 7 or 10, the person applying for the registration or to whom the registration relates;
  - (b) in relation to an authorisation under section 13 or 14, the person applying for the authorisation or to whom it was granted;and any reference to attaching limitations or conditions to a registration or authorisation is a reference to attaching limitations or conditions to it either in effecting or granting it or in exercising any power to vary it.
- (6) In the application of this section to Northern Ireland, references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland.

### 27 Procedure on appeals unders. 26. **U.K.**

- (1) The Secretary of State may refer any matter involved in an appeal under section 26 to a person appointed by him for the purpose.
- (2) An appeal under section 26 shall, if and to the extent required by regulations under subsection (7) of this section, be advertised in such manner as may be prescribed.

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- (3) If either party to the appeal so requests, an appeal shall be in the form of a hearing (which may, if the person hearing the appeal so decides, be held, or held to any extent, in private).
- (4) On determining an appeal from a decision of the chief inspector under section 26 the Secretary of State—
- (a) may affirm the decision,
  - (b) where that decision was the refusal of an application, may direct the chief inspector to grant the application,
  - (c) where that decision involved limitations or conditions attached to a registration or authorisation, may quash those limitations or conditions wholly or in part, or
  - (d) where that decision was a cancellation or revocation of a registration or authorisation, may quash the decision,
- and where the Secretary of State does any of the things mentioned in paragraph (b), (c) or (d) he may give directions to the chief inspector as to the limitations and conditions to be attached to the registration or authorisation in question.
- (5) On the determination of an appeal in respect of a notice under section 26(2), the Secretary of State may either cancel or affirm the notice and, if he affirms it, may do so either in its original form or with such modifications as he may think fit.
- (6) The bringing of an appeal against a cancellation or revocation of a registration or authorisation shall, unless the Secretary of State otherwise directs, have the effect of suspending the operation of the cancellation or revocation pending the determination of the appeal; but otherwise the bringing of an appeal shall not, unless the Secretary of State so directs, affect the validity of the decision or notice in question during that period.
- (7) The Secretary of State may by regulations make provision with respect to appeals under section 26 (including in particular provision as to the period within which appeals are to be brought).
- (8) In the application of this section to Northern Ireland, references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland.

## 28 Representations in relation to authorisations and notices where appropriate Minister is concerned. **U.K.**

- (1) Before the chief inspector and the appropriate Minister—
- (a) refuse an application for an authorisation under section 13, or
  - (b) attach any limitations or conditions to such an authorisation, or
  - (c) vary such an authorisation, otherwise than by revoking a limitation or condition subject to which it has effect, or
  - (d) revoke such an authorisation,
- the person directly concerned shall, and such local authorities or other persons whom the Secretary of State and that Minister consider appropriate may, be afforded the opportunity of appearing before, and being heard by, a person appointed for the purpose by the Secretary of State and that Minister.
- (2) In subsection (1)—

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- (a) “the person directly concerned”, in relation to an authorisation under section 13, means the person applying for the authorisation or the person to whom the authorisation was granted, as the case may be, and
  - (b) any reference to attaching limitations or conditions to such an authorisation is a reference to attaching limitations or conditions to it either in granting the authorisation or in the exercise of any power to vary it.
- (3) The appropriate Minister shall afford to any person—
- (a) on whom he has served a notice under section 21 or 22, and
  - (b) who requests a hearing within the prescribed period,
- an opportunity to appear before and be heard by a person appointed by him for the purpose.
- (4) In the application of this section to Northern Ireland, references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland.

*Further powers of Secretary of State in relation to radioactive waste*

**29 Provision of facilities for disposal or accumulation of radioactive waste. U.K.**

- (1) If it appears to the Secretary of State that adequate facilities are not available for the safe disposal or accumulation of radioactive waste, the Secretary of State may provide such facilities, or may arrange for their provision by such persons as the Secretary of State may think fit.
- (2) Where, in the exercise of the power conferred by this section, the Secretary of State proposes to provide, or to arrange for the provision of, a place for the disposal or accumulation of radioactive waste, the Secretary of State, before carrying out that proposal, shall consult with any local authority in whose area that place would be situated, and with such other public or local authorities (if any) as appear to him to be proper to be consulted by him.
- (3) The Secretary of State may make reasonable charges for the use of any facilities provided by him, or in accordance with arrangements made by him, under this section, or, in the case of facilities provided otherwise than by the Secretary of State, may direct that reasonable charges for the use of the facilities may be made by the person providing them in accordance with any such arrangements.
- (4) In the application of this section to Northern Ireland, references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland.

**30 Power of Secretary of State to dispose of radioactive waste. U.K.**

- (1) If there is radioactive waste on any premises, and the Secretary of State is satisfied that—
  - (a) the waste ought to be disposed of, but
  - (b) by reason that the premises are unoccupied, or that the occupier is absent, or is insolvent, or for any other reason, it is unlikely that the waste will be lawfully disposed of unless the Secretary of State exercises his powers under this section,

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the Secretary of State shall have power to dispose of that radioactive waste as the Secretary of State may think fit, and to recover from the occupier of the premises, or, if the premises are unoccupied, from the owner of the premises, any expenses reasonably incurred by the Secretary of State in disposing of it.

- (2) In the application of subsection (1) to Northern Ireland, references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland.
- (3) For the purposes of this section in its application to England and Wales and Northern Ireland, the definition of “owner” in section 343 of the <sup>M7</sup>Public Health Act 1936, and the provisions of section 294 of that Act (which limits the liability of owners who are only agents or trustees), shall apply—
  - (a) with the substitution in section 294 for references to a council of references to the Secretary of State or, in Northern Ireland, the Department of the Environment for Northern Ireland, and
  - (b) in relation to Northern Ireland, as if that Act extended to Northern Ireland.
- (4) For the purposes of this section in its application to Scotland, the definition of “owner” in section 3 of the <sup>M8</sup>Public Health (Scotland) Act 1897 and the provisions of section 336 of the <sup>M9</sup>Housing (Scotland) Act 1987 shall apply, with the substitution in section 336 of references to the Secretary of State for references to a local authority.

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

- C4** S. 30(1): functions of the Secretary of State transferred (S.) (12.10.1995) to the Scottish Environment Protection Agency by 1995 c. 25, s. 21(1)(i)(2)(d) (with ss. 7(6), 115, 117); S.I. 1995/2649, art. 2

#### Marginal Citations

- M7** 1936 c. 49.  
**M8** 1897 c. 38.  
**M9** 1987 c. 26.

### *Rights of entry*

## 31 Rights of entry and inspection. **U.K.**

- (1) Any person who is either an inspector appointed under section 4 or a person authorised in that behalf by the 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 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 (including dismantling and subjecting to any process) and inspections and take such photographs on any such premises, and obtain and take away such samples from the premises, as the inspector may consider necessary or expedient,
  - (c) 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 purpose of any tests or inspections, and

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- (d) require the occupier of any such premises, or any person with duties on or in connection with the premises, to provide the inspector with 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 require, and in the case of answers to his questions, to sign a declaration of the truth of the answers.
- (2) Subsection (1) applies—
- (a) to any premises in respect of which a person is for the time being registered under section 7,
  - (b) to any premises in respect of which a person is exempted from such registration by section 8(1), and
  - (c) to any premises in respect of which an authorisation granted under section 13(1) or 14 is for the time being in force.
- (3) In relation to premises belonging to or used for the purposes of the United Kingdom Atomic Energy Authority, subsection (1) shall have effect subject to section 6(3) of the <sup>M10</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>M11</sup>Official Secrets Act 1911).
- (4) Where an inspector has reasonable grounds for believing—
- (a) that radioactive material has been or is being kept or used on any premises to which subsection (1) does not apply, or
  - (b) 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 (1) in relation to premises to which that subsection applies, but this subsection has effect subject to subsection (6) unless the premises fall within subsection (7).
- (5) Any person authorised in that behalf by the 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 section 30, but this subsection has effect subject to subsection (6) unless the premises fall within subsection (7).
- (6) Subject to subsection (7), no power shall be exercisable by virtue of subsection (4) or (5) 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 Schedule 2, or
  - (c) where entry is required in a case of emergency.
- (7) Subsection (6) does not apply in respect of—
- (a) premises in respect of which—
    - (i) a person has been (but is no longer) registered under section 7, or
    - (ii) an authorisation has been (but is no longer) in force under section 13(1) or 14, or
  - (b) premises on which there are reasonable grounds for believing that mobile radioactive apparatus has been or is being kept or used.
- (8) In England, subject to section 6(3) of the <sup>M12</sup>Atomic Energy Authority Act 1954, any person who is either an inspector appointed under section 5 of this Act or a person authorised in that behalf by the Minister of Agriculture, Fisheries and Food may, for

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the purposes of the execution of this Act in relation to any premises situated on a nuclear site, exercise in relation to any such premises (but not in relation to any other premises) any of the powers conferred by paragraphs (a) to (d) of subsection (1) 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 subsection.

- (9) An inspector appointed under section 4 or 5 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.
- (10) The provisions of Schedule 2 shall have effect for the purposes of this section.
- (11) 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—
- (a) that circumstances exist which are likely to endanger life or health, and
  - (b) 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.
- (12) In the application of this section to Northern Ireland—
- (a) references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland, and
  - (b) subsection (8) shall apply as it applies in England, but as if the reference to the Minister of Agriculture, Fisheries and Food were a reference to the Department of Agriculture for Northern Ireland.

#### Marginal Citations

**M10** 1954 c. 32.

**M11** 1911 c. 28.

**M12** 1954 c. 32.

### Offences

#### 32 Offences relating to registration or authorisation. **U.K.**

- (1) Any person who—
- (a) contravenes section 6, 9, 13(1), (2) or (3) or 14(1), or
  - (b) being a person registered under section 7 or 10, or being (wholly or partly) exempted from registration under either of those sections, does not comply with a limitation or condition subject to which he is so registered or exempted, or
  - (c) being a person to whom an authorisation under section 13 or 14 has been granted, does not comply with a limitation or condition subject to which that authorisation has effect, or
  - (d) being a person who is registered under section 7 or 10 or to whom an authorisation under section 13 or 14 has been granted, fails to comply with any requirement of a notice served on him under section 21 or 22,
- shall be guilty of an offence.

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- (2) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding #20,000 or to imprisonment for a term not exceeding six months, or both;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years, or both.

**33 Offences relating to ss. 19 and 20. U.K.**

- (1) Any person who contravenes section 19 shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.
- (2) Any person who without reasonable cause pulls down, injures or defaces any document posted in pursuance of section 19 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) Any person who fails to comply with a requirement imposed on him under section 20 shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or both;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

**34 Disclosure of trade secrets. U.K.**

- (1) If any person discloses any information relating to any relevant process or trade secret used in carrying on any particular undertaking which has been given to or obtained by him under this Act or in connection with the execution of this Act, he shall be guilty of an offence, unless the disclosure is made—
- (a) with the consent of the person carrying on that undertaking, or
  - (b) in accordance with any general or special directions given by the Secretary of State, or
  - (c) in connection with the execution of this Act, or
  - (d) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings.
- (2) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or both;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.
- (3) In this section “relevant process” means any process applied for the purposes of, or in connection with, the production or use of radioactive material.
- (4) In the application of this section to Northern Ireland, the reference in subsection (1) (b) to the Secretary of State shall have effect as a reference to the Department of the Environment for Northern Ireland.

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VALID FROM 01/04/1996

**[<sup>F1</sup>34A Offences of making false or misleading statements or false entries. E+W+S**

- (1) Any person who—
- (a) for the purpose of obtaining for himself or another any registration under section 7 or 10, any authorisation under section 13 or 14 or any variation of such an authorisation under section 17, or
  - (b) in purported compliance with a requirement to furnish information imposed under section 31(1)(d),
- makes a statement which he knows to be false or misleading in a material particular, or recklessly makes a statement which is false or misleading in a material particular, shall be guilty of an offence.
- (2) Any person who intentionally makes a false entry in any record—
- (a) which is required to be kept by virtue of a registration under section 7 or 10 or an authorisation under section 13 or 14, or
  - (b) which is kept in purported compliance with a condition which must be complied with if a person is to have the benefit of an exemption under section 8, 11 or 15,
- shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.]

**Textual Amendments**

- F1** S. 34A inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 112, **Sch. 19 para. 6** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

**35 Obstruction. U.K.**

- (1) Any person who—
- (a) intentionally obstructs an inspector or other person in the exercise of any powers conferred by section 31, or
  - (b) refuses or without reasonable excuse fails to provide facilities or assistance or any information or to permit any inspection reasonably required by an inspector or other person under that section,
- shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.



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**36 Offences by bodies corporate. U.K.**

- (1) Where a body corporate is guilty of an offence under this Act, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.
- (2) In this section “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

**37 Offence due to another’s fault. U.K.**

Where the commission by any person of an offence under this Act is due to the act or default of some other person, that other person may by virtue of this section be charged with and convicted of the offence whether or not proceedings for the offence are taken against the first-mentioned person.

**38 Restriction on prosecutions. U.K.**

- (1) Proceedings in respect of any offence under this Act shall not be instituted in England or Wales except—
  - (a) by the Secretary of State,
  - (b) by the chief inspector, or
  - (c) by or with the consent of the Director of Public Prosecutions.
- (2) Proceedings in respect of any offence under this Act shall not be instituted in Northern Ireland except—
  - (a) by the head of the Department of the Environment for Northern Ireland, or
  - (b) by or with the consent of the Attorney General for Northern Ireland.
- (3) This section shall be deemed to have been enacted before the coming into operation of the <sup>M13</sup>Prosecution of Offences (Northern Ireland) Order 1972.

**Marginal Citations**

**M13** [S.I. 1972/538 \(N.I. 1\)](#).

*Public access to documents and records*

**39 Public access to documents and records. U.K.**

- (1) The chief inspector shall keep copies of—
  - (a) all applications made to him under any provision of this Act,
  - (b) all documents issued by him under any provision of this Act,
  - (c) all other documents sent by him to any local authority in pursuance of directions of the Secretary of State, and

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- (d) such records of convictions under section 32, 33, 34 or 35 as may be prescribed in regulations;
- and he shall make copies of those documents available to the public except to the extent that that would involve the disclosure of information relating to any relevant process or trade secret or would involve the disclosure of applications or certificates as respects which the Secretary of State has directed that knowledge should be restricted on grounds of national security.
- (2) Each local authority shall keep and make available to the public copies of all documents sent to the authority under any provision of this Act unless directed by the chief inspector or, as the case may be, the appropriate Minister and the chief inspector, that all or any part of any such document is not to be available for inspection.
- (3) Directions under subsection (2) shall only be given for the purpose of preventing disclosure of relevant processes or trade secrets and may be given generally in respect of all, or any description of, documents or in respect of specific documents.
- (4) The copies of documents required to be made available to the public by this section need not be kept in documentary form.
- (5) The public shall have the right to inspect the copies of documents required to be made available under this section at all reasonable times and, on payment of a reasonable fee, to be provided with a copy of any such document.
- (6) In this section “relevant process” has the same meaning as in section 34.
- (7) In the application of this section to Northern Ireland, references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland.

#### *Operation of other statutory provisions*

#### **40 Radioactivity to be disregarded for purposes of certain statutory provisions. U.K.**

- (1) For the purposes of the operation of any statutory provision to which this section applies, and for the purposes of the exercise or performance of any power or duty conferred or imposed by, or for the enforcement of, any such statutory provision, no account shall be taken of any radioactivity possessed by any substance or article or by any part of any premises.
- (2) This section applies—
- (a) to any statutory provision contained in, or for the time being having effect by virtue of, any of the enactments specified in Schedule 3, or any enactment for the time being in force whereby an enactment so specified is amended, extended or superseded, and
  - (b) to any statutory provision contained in, or for the time being having effect by virtue of, a local enactment whether passed or made before or after the passing of this Act (in whatever terms the provision is expressed) in so far as—
    - (i) the disposal or accumulation of waste or any description of waste, or of any substance which is a nuisance, or so as to be a nuisance, or of any substance which is, or so as to be, prejudicial to health, noxious, polluting or of any similar description, is prohibited or restricted by the statutory provision, or

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- (ii) a power or duty is conferred or imposed by the statutory provision on any local authority, relevant water body or other public or local authority, or on any officer of a public or local authority, to take any action (whether by way of legal proceedings or otherwise) for preventing, restricting or abating such disposals or accumulations as are mentioned in sub-paragraph (i).

(3) In this section—

“statutory provision”—

- (a) in relation to Great Britain, means a provision, whether of a general or a special nature, contained in, or in any document made or issued under, any Act, whether of a general or a special nature, and
- (b) in relation to Northern Ireland, has the meaning given by section 1(f) of the <sup>M14</sup>Interpretation Act (Northern Ireland) 1954,

“local enactment” means—

- (a) a local or private Act (including a local or private Act of the Parliament of Northern Ireland or a local or private Measure of the Northern Ireland Assembly), or
- (b) an order confirmed by Parliament (or by the Parliament of Northern Ireland or the Northern Ireland Assembly) or brought into operation in accordance with special parliamentary procedure,

and any reference to disposal, in relation to a statutory provision, is a reference to discharging or depositing a substance or allowing a substance to escape or to enter a stream or other place, as may be mentioned in that provision.

(4) The references to provisions of the <sup>M15</sup>Water Resources Act 1991 in Part I of Schedule 3 shall have effect subject to the power conferred by section 98 of that Act.

#### Marginal Citations

**M14** 1954 c. 33 (N.I.).

**M15** 1991 c. 57.

### General

#### 41 Service of documents. **U.K.**

- (1) Any notice required or authorised by or under this Act to be served on or given to any person may be served or given by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (2) Any such notice may—
  - (a) in the case of a body corporate, be served on or given to the secretary or clerk of that body;
  - (b) in the case of a partnership, be served on or given to a partner or a person having the control or management of the partnership business.
- (3) For the purposes of this section and of section 7 of the <sup>M16</sup>Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person on or to whom any such notice is to be served or given shall be his last known address, except that—

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- (a) in the case of a body corporate or their secretary or clerk, it shall be the address of the registered or principal office of that body;
  - (b) in the case of a partnership or person having the control or the management of the partnership business, it shall be the principal office of the partnership;
- and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office within the United Kingdom.
- (4) If the person to be served with or given any such notice has specified an address in the United Kingdom other than his proper address within the meaning of subsection (3) as the one at which he or someone on his behalf will accept notices of the same description as that notice, that address shall also be treated for the purposes of this section and section 7 of the <sup>M17</sup>Interpretation Act 1978 as his proper address.
- (5) The preceding provisions of this section shall apply to the sending or giving of a document as they apply to the giving of a notice.

#### Marginal Citations

**M16** 1978 c. 30.

**M17** 1978 c. 30.

## 42 Application of Act to Crown. **U.K.**

- (1) Subject to the following provisions of this section, the provisions of this Act shall bind the Crown.
- (2) Subsection (1) does not apply in relation to premises—
- (a) occupied on behalf of the Crown for naval, military or air force purposes or for the purposes of the department of the Secretary of State having responsibility for defence, or
  - (b) occupied by or for the purposes of a visiting force.
- (3) No contravention by the Crown of any provision of this Act shall make the Crown criminally liable; but the High Court or, in Scotland, the Court of Session may, on the application of any authority charged with enforcing that provision, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (4) Notwithstanding anything in subsection (3), the provisions of this Act shall apply to persons in the public service of the Crown as they apply to other persons.
- (5) If the Secretary of State certifies that it appears to him requisite or expedient in the interests of national security that the powers of entry conferred by section 31 should not be exercisable in relation to any Crown premises specified in the certificate, those powers shall not be exercisable in relation to those premises; and in this subsection “Crown premises” means premises held or used by or on behalf of the Crown.
- (6) Where, in the case of any such premises as are mentioned in subsection (2)—
- (a) arrangements are made whereby radioactive waste is not to be disposed of from those premises except with the approval of the chief inspector, and
  - (b) in pursuance of those arrangements the chief inspector proposes to approve, or approves, the removal of radioactive waste from those premises to a place provided by a local authority as a place for the deposit of refuse,

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the provisions of section 18 shall apply as if the proposal to approve the removal of the waste were an application for an authorisation under section 13 to remove it, or (as the case may be) the approval were such an authorisation.

- (7) Nothing in this section shall be taken as in any way affecting Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the <sup>M18</sup>Crown Proceedings Act 1947 (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.
- (8) In this section “visiting force” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the <sup>M19</sup>Visiting Forces Act 1952.
- (9) In the application of this section to Northern Ireland—
- (a) references to the Crown shall include references to the Crown in right of Her Majesty’s Government in Northern Ireland, and
  - (b) the reference in subsection (5) to the Secretary of State shall have effect as a reference to the Department of the Environment for Northern Ireland.

#### Marginal Citations

- M18** 1947 c. 44.  
**M19** 1952 c. 67.

### 43 Fees and charges. **U.K.**

- (1) The Secretary of State may, with the approval of the Treasury, make and from time to time revise, a scheme prescribing—
- (a) fees payable in respect of applications for registration under section 7 or 10 or an authorisation under section 13 or 14;
  - (b) fees payable in respect of the variation of the registration under section 12 or, as the case may be, in respect of the variation of the authorisation under section 17;
  - (c) charges payable by a person to whom such a registration relates or to whom such an authorisation has been granted in respect of the subsistence of that registration or authorisation;
- and it shall be a condition of any such registration or authorisation that any applicable prescribed charge is paid in accordance with that scheme.
- (2) The power to make and revise a scheme under this section, so far as it relates to, or to applications for, authorisations under section 13 which may only be granted by the chief inspector and the Minister of Agriculture, Fisheries and Food shall not be exercisable without the consent of the Minister of Agriculture, Fisheries and Food.
- (3) A scheme under this section may, in particular—
- (a) provide for different fees or charges to be payable in different cases or circumstances, and
  - (b) provide for the times at which and the manner in which payments are to be made;

and a scheme may make such incidental, supplementary and transitional provision as appears to the Secretary of State to be appropriate and different schemes may be made and revised for different areas.

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- (4) The Secretary of State shall so frame a scheme under this section as to secure, so far as practicable, that the amounts payable under it are sufficient, taking one financial year with another, to cover—
  - (a) the expenditure of the chief inspector and the Minister of Agriculture, Fisheries and Food in exercising their functions under this Act in relation to registrations and authorisations,
  - (b) the expenditure of the Secretary of State in exercising in relation to Wales such of his functions under this Act in relation to registrations and authorisations as are exercised by the Minister of Agriculture, Fisheries and Food in relation to England.
- (5) The Secretary of State shall, on making or revising a scheme under this section, lay a copy of the scheme or of the revisions before each House of Parliament.
- (6) In the application of this section to Northern Ireland—
  - (a) references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland,
  - (b) references to the Minister of Agriculture, Fisheries and Food shall have effect as references to the Department of Agriculture for Northern Ireland,
  - (c) the reference to the Treasury shall have effect as a reference to the Department of Finance and Personnel in Northern Ireland,
  - (d) the reference to each House of Parliament shall have effect as a reference to the Northern Ireland Assembly, and
  - (e) subsection (4)(b) shall be omitted.

#### 44 Regulations and orders: Great Britain. **E+W+S**

- (1) The Secretary of State may make regulations under this Act for any purpose for which regulations are authorised or required to be made under this Act.
- (2) For the purpose of facilitating the exercise of any power under this Act to effect registrations, or grant authorisations, subject to limitations or conditions, the Secretary of State may make regulations setting out general limitations or conditions applicable to such classes of cases as may be specified in the regulations; and any limitations or conditions so specified shall, for the purposes of this Act, be deemed to be attached to any registration or authorisation falling within the class of cases to which those limitations or conditions are expressed to be applicable, subject to such exceptions or modifications (if any) as may be specified in any such registration or authorisation.
- (3) Any power conferred by this Act to make regulations or orders shall be exercisable by statutory instrument.
- (4) Any statutory instrument containing regulations or an order made under this Act, other than an order under Schedule 5, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section does not extend to Northern Ireland.

#### 45 Regulations and orders: Northern Ireland. **N.I.**

- (1) The Department of the Environment for Northern Ireland may make regulations under this Act for any purpose for which regulations are authorised or required to be made under this Act.

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- (2) For the purpose of facilitating the exercise of any power under this Act to effect registrations, or grant authorisations, subject to limitations or conditions, the Department of the Environment for Northern Ireland may make regulations setting out general limitations or conditions applicable to such classes of cases as may be specified in the regulations; and any limitations or conditions so specified shall, for the purposes of this Act, be deemed to be attached to any registration or authorisation falling within the class of cases to which those limitations or conditions are expressed to be applicable, subject to such exceptions or modifications (if any) as may be specified in any such registration or authorisation.
- (3) Any power conferred by this Act to make regulations or orders shall be exercisable by statutory rule for the purposes of the <sup>M20</sup>Statutory Rules (Northern Ireland) Order 1979.
- (4) Any regulations or orders made under this Act shall be subject to negative resolution within the meaning of section 41(6) of the <sup>M21</sup>Interpretation Act (Northern Ireland) 1954.
- (5) This section extends to Northern Ireland only.

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**Marginal Citations**

- M20** [S.I. 1979/1573 \(N.I. 12\)](#).  
**M21** [1954 c. 33 \(N.I.\)](#).

#### **46 Effect of Act on other rights and duties. U.K.**

Subject to the provisions of section 40 of this Act, and of section 18 of the <sup>M22</sup>Interpretation Act 1978 (which relates to offences under two or more laws), nothing in this Act shall be construed as—

- (a) conferring a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of this Act, or
- (b) affecting any restriction imposed by or under any other enactment, whether contained in a public general Act or in a local or private Act, or
- (c) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

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**Marginal Citations**

- M22** [1978 s. 30](#).

#### **47 General interpretation provisions. U.K.**

- (1) In this Act, except in so far as the context otherwise requires—
  - “the appropriate Minister” means—
    - (a) in relation to England, the Minister of Agriculture, Fisheries and Food,
    - (b) in relation to Wales, the Secretary of State, and
    - (c) in relation to Northern Ireland, the Department of Agriculture for Northern Ireland,
  - “article” includes a part of an article,
  - “the chief inspector” means—

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- (a) in relation to England and Wales, the chief inspector for England and Wales appointed under section 4(2)(a),
- (b) in relation to Scotland, the chief inspector for Scotland appointed under section 4(2)(b), and
- (c) in relation to Northern Ireland, the chief inspector for Northern Ireland appointed under section 4(7),

“disposal”, in relation to waste, includes its removal, deposit, destruction, discharge (whether into water or into the air or into a sewer or drain or otherwise) or burial (whether underground or otherwise) and “dispose of” shall be construed accordingly,

“local authority” (except where the reference is to a public or local authority) means—

- (a) in England and Wales, the council of a county, district or London borough or the Common Council of the City of London or an authority established by the <sup>M23</sup>Waste Regulation and Disposal (Authorities) Order 1985,
- (b) in Scotland, a regional, islands or district council, and
- (c) in Northern Ireland, a district council,

“nuclear site” means—

- (a) any site in respect of which a nuclear site licence is for the time being in force, or
- (b) any site in respect of which, after the revocation or surrender of a nuclear site licence, the period of responsibility of the licensee has not yet come to an end,

“nuclear site licence”, “licensee” and “period of responsibility” have the same meaning as in the <sup>M24</sup>Nuclear Installations Act 1965,

“premises” includes any land, whether covered by buildings or not, including any place underground and any land covered by water,

“prescribed” means prescribed by regulations under this Act or, in relation to fees or charges payable in accordance with a scheme under section 43, prescribed under that scheme,

“the prescribed period for determinations”, in relation to any application under this Act, means, subject to subsection (2), the period of four months beginning with the day on which the application was received,

“public or local authority”, in relation to England and Wales, includes a water undertaker or a sewerage undertaker,

“relevant water body” means—

- (a) in England and Wales, the National Rivers Authority, a water undertaker, a sewerage undertaker or a local fisheries committee,
- (b) in Scotland, a river purification authority within the meaning of the <sup>M25</sup>Rivers (Prevention of Pollution) (Scotland) Act 1951, a district salmon fishery board established under section 14 of the <sup>M26</sup>Salmon Act 1986 or a water authority within the meaning of the <sup>M27</sup>Water (Scotland) Act 1980, and
- (c) in Northern Ireland, the Fisheries Conservation Board for Northern Ireland,

“substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour,

“undertaking” includes any trade, business or profession and—



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- (a) in relation to a public or local authority, includes any of the powers or duties of that authority, and
  - (b) in relation to any other body of persons, whether corporate or unincorporate, includes any of the activities of that body, and
- “waste” includes any substance which constitutes scrap material or an effluent or other unwanted surplus substance arising from the application of any process, and also includes any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoilt.
- (2) The Secretary of State may by order substitute for the period for the time being specified in subsection (1) as the prescribed period for determinations such other period as he considers appropriate.
  - (3) In determining, for the purposes of this Act, whether any radioactive material is kept or used on any premises, no account shall be taken of any radioactive material kept or used in or on any railway vehicle, road vehicle, vessel or aircraft if either—
    - (a) the vehicle, vessel or aircraft is on those premises in the course of a journey, or
    - (b) in the case of a vessel which is on those premises otherwise than in the course of a journey, the material is used in propelling the vessel or is kept in or on the vessel for use in propelling it.
  - (4) Any substance or article which, in the course of the carrying on of any undertaking, is discharged, discarded or otherwise dealt with as if it were waste shall, for the purposes of this Act, be presumed to be waste unless the contrary is proved.
  - (5) Any reference in this Act to the contamination of a substance or article is a reference to its being so affected by either or both of the following, that is to say,—
    - (a) absorption, admixture or adhesion of radioactive material or radioactive waste, and
    - (b) the emission of neutrons or ionising radiations,as to become radioactive or to possess increased radioactivity.
  - (6) In the application of this section to Northern Ireland, the reference in subsection (2) to the Secretary of State shall have effect as a reference to the Department of the Environment for Northern Ireland.

#### Marginal Citations

- M23** S. I. 1985/1884.
- M24** 1965 c. 57.
- M25** 1951 c. 66.
- M26** 1986 c. 62.
- M27** 1980 c. 45.

## 48 Index of defined expressions. **U.K.**

The following Table shows provisions defining or otherwise explaining expressions for the purposes of this Act—

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the appropriate Minister	section 47(1)
article	section 47(1)

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the chief inspector	section 47(1)
contamination	section 47(5)
disposal	section 47(1)
licensee (in relation to a nuclear site licence)	section 47(1)
local authority	section 47(1)
mobile radioactive apparatus	section 3
nuclear site	section 47(1)
nuclear site licence	section 47(1)
period of responsibility (in relation to a nuclear site licence)	section 47(1)
premises	section 47(1)
prescribed	section 47(1)
the prescribed period for determinations	section 47(1) and (2)
public or local authority	section 47(1)
radioactive material	section 1
radioactive waste	section 2
relevant water body	section 47(1)
substance	section 47(1)
undertaking	section 47(1)
waste	section 47(1) and (4).

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#### **49 Consequential amendments and transitional and transitory provisions. U.K.**

- (1) The enactments specified in Schedule 4 shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the preceding provisions of this Act.
- (2) The transitional and transitory provisions contained in Schedule 5 shall have effect.

#### **50 Repeals. U.K.**

The enactments and instruments specified in Schedule 6 (which include spent enactments) are repealed or, as the case may be, revoked to the extent specified in the third column of that Schedule, but subject to any provision at the end of any Part of that Schedule.

#### **51 Short title, commencement and extent. U.K.**

- (1) This Act may be cited as the Radioactive Substances Act 1993.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

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**Status:** Point in time view as at 27/08/1993. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** Radioactive Substances Act 1993 is up to date with all changes known to be in force on or before 10 June 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)

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(3) This Act extends to Northern Ireland.

**Status:**

Point in time view as at 27/08/1993. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:**

Radioactive Substances Act 1993 is up to date with all changes known to be in force on or before 10 June 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.