



Radioactive Substances Act 1993

1993 CHAPTER 12

Powers of Secretary of State in relation to applications etc.

23 Power of Secretary of State to give directions to ^[F1]appropriate Agency]. E+W

+S

- ^[F2](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^[F3] or for the transfer (in whole or in part) or variation of an authorisation], or
 - (c) any such registration or authorisation,
- give directions to the ^[F1] appropriate Agency] requiring ^[F4]it] 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 ^[F1]appropriate Agency] so to exercise ^[F4]its] powers under this Act as—
- (a) to refuse an application for registration or authorisation^[F5] or for the transfer (in whole or in part) or variation of an 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
- ^[F6](ca) to grant an application for the transfer (in whole or in part) of an authorisation, or
- (cb) to carry out a review under section 17A, 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 ^[F1]appropriate Agency], as respects any registration or authorisation, requiring ^[F4]it] 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 ^[F1]appropriate Agency] 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.

Status: Point in time view as at 06/04/2010.

Changes to legislation: Radioactive Substances Act 1993, Cross Heading: Powers of Secretary of State in relation to applications etc. is up to date with all changes known to be in force on or before 09 July 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)

^{F7}(4A)

(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.

[^{F8}(6) In Northern Ireland, where the Department of the Environment gives directions to the chief inspector under this section for the purpose of implementing provisions of the HASS Directive the following requirements apply—

- (a) any direction shall be published in such manner as the Department considers appropriate for the purpose of bringing the matters to which it relates to the attention of persons likely to be affected by it;
- (b) copies of a direction shall be made available to the public;
- (c) notice of a direction and of where a copy may be obtained shall be given in the Belfast Gazette;
- (d) a direction shall be given only after consultation with the chief inspector; and
- (e) no direction shall be varied or revoked unless, notwithstanding the variation or revocation, the provisions of the HASS Directive as they have effect for the time being which were implemented by that direction, continue to be implemented, whether by directions or any other instrument or by any enactment.]]

Extent Information

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

Textual Amendments

- F1** Words in s. 23 substituted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 200** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** S. 23 repealed (E.W.) (6.4.2010) by **The Environmental Permitting (England and Wales) Regulations 2010** (S.I. 2010/675), reg. 1(1)(b), Sch. 26 para. 11(2)(w), **Sch. 28** (with reg. 1(2), Sch. 4)
- F3** Words in s. 23(1)(b) inserted (27.7.2004) by **Energy Act 2004** (c. 20), s. 198(2), **Sch. 15 para. 7(1)**; S.I. 2004/1973, art. 2, Sch.
- F4** Words in s. 23(1)(2)(3) substituted (E.W.S.) (1.4.1996) by 1995 c. 25, **s.120(1) Sch. 22 para. 211(1)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F5** Words in s. 23(2)(a) inserted (27.7.2004) by **Energy Act 2004** (c. 20), s. 198(2), **Sch. 15 para. 7(2)**; S.I. 2004/1973, art. 2, Sch.
- F6** S. 23(2)(ca)(cb) inserted (27.7.2004) by **Energy Act 2004** (c. 20), s. 198(2), **Sch. 15 para. 7(3)**; S.I. 2004/1973, art. 2, Sch.
- F7** S. 23(4A) repealed (1.4.2000) by 1999 c. 28, s. 40(1)(2)(4), Sch. 5 para. 43(1)(4), **Sch. 6** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F8** S. 23(6) inserted (20.10.2005) by **High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005** (S.I. 2005/2686), regs. 1(2), **15**

23 Power of Secretary of State to give directions to chief inspector. **N.I.**

- (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^{F3} or for the transfer (in whole or in part) or variation of an authorisation], 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^[F5] or for the transfer (in whole or in part) or variation of an 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
- ^[F6](ca) to grant an application for the transfer (in whole or in part) of an authorisation, or
- (cb) to carry out a review under section 17A, 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.
- ^[F8](6) In Northern Ireland, where the Department of the Environment gives directions to the chief inspector under this section for the purpose of implementing provisions of the HASS Directive the following requirements apply—
- (a) any direction shall be published in such manner as the Department considers appropriate for the purpose of bringing the matters to which it relates to the attention of persons likely to be affected by it;
 - (b) copies of a direction shall be made available to the public;
 - (c) notice of a direction and of where a copy may be obtained shall be given in the Belfast Gazette;
 - (d) a direction shall be given only after consultation with the chief inspector; and
 - (e) no direction shall be varied or revoked unless, notwithstanding the variation or revocation, the provisions of the HASS Directive as they have effect for the time being which were implemented by that direction, continue to be implemented, whether by directions or any other instrument or by any enactment.]

Extent Information

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

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Textual Amendments

- F3** Words in s. 23(1)(b) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 15 para. 7\(1\)](#); [S.I. 2004/1973](#), art. 2, Sch.
- F5** Words in s. 23(2)(a) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 15 para. 7\(2\)](#); [S.I. 2004/1973](#), art. 2, Sch.
- F6** S. 23(2)(ca)(cb) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 15 para. 7\(3\)](#); [S.I. 2004/1973](#), art. 2, Sch.
- F8** S. 23(6) inserted (20.10.2005) by [High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005 \(S.I. 2005/2686\)](#), regs. 1(2), 15

24 Power of Secretary of State to require certain applications to be determined by him. **E+W+S**

^{F9}(1) The Secretary of State may—

- (a) give general directions to the [^{F10}appropriate Agency] requiring [^{F11}it] to refer applications under this Act for registrations [^{F12}, authorisations, transfers or variations] of any description specified in the directions to the Secretary of State for his determination, and
 - (b) give directions to the [^{F10}appropriate Agency] in respect of any particular application requiring [^{F11}it] 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 ^{M1}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 ^{M2}Local Government (Scotland) Act 1973 (power to direct inquiries), and
 - (c) in Northern Ireland, Schedule 8 to the ^{M3}Health and Personal Services (Northern Ireland) Order 1972 (provisions as to inquiries).
- (4) After determining any application so referred, the Secretary of State may give the [^{F10}appropriate Agency] directions under section 23 as to the steps to be taken by [^{F11}it] in respect of the application.

^{F13}(4A)

- (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.]

Extent Information

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

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Textual Amendments

- F9** S. 24 repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), [Sch. 26 para. 11\(2\)\(x\)](#), [Sch. 28](#) (with reg. 1(2), Sch. 4)
- F10** Words in s. 24 substituted (E.W.S.) (1.4.1996) by [1995 c. 25, s. 120\(1\)](#), [Sch. 22 para. 200](#), (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#)
- F11** Words in s. 24(1)(4) substituted (E.W.S.) (1.4.1996) by [1996 c. 25, s. 120\(1\)](#), [Sch. 22 para. 212\(1\)](#) (with ss. 7(6), 115, 117); [S.I. 1996/186, art. 3](#)
- F12** Word in s. 24(1)(a) substituted (27.7.2004) by [Energy Act 2004 \(c. 20\), s. 198\(2\)](#), [Sch. 15 para. 8](#); [S.I. 2004/1973, art. 2, Sch.](#)
- F13** S. 24(4A) repealed (1.4.2000) by [1999 c. 28, s. 40\(1\)\(2\)\(4\)](#), [Sch. 5 para. 43\(4\)](#), [Sch. 6](#) (with ss. 38, 40(2)); [S.I. 2000/1066, art. 2](#)

Marginal Citations

- M1** [1972 c. 70.](#)
- M2** [1973 c. 65.](#)
- M3** [S.I. 1972/1265 \(N.I. 14\).](#)

24 Power of Secretary of State to require certain applications to be determined by him. **N.I.**

- (1) The Secretary of State may—
- give general directions to the chief inspector requiring him to refer applications under this Act for registrations ^{F12}, authorisations, transfers or variations] of any description specified in the directions to the Secretary of State for his determination, and
 - 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)—
- in England and Wales, subsections (2) to (5) of section 250 of the ^{M4}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”,
 - in Scotland, subsections (2) to (8) of section 210 of the ^{M5}Local Government (Scotland) Act 1973 (power to direct inquiries), and
 - in Northern Ireland, Schedule 8 to the ^{M6}Health and Personal Services (Northern Ireland) Order 1972 (provisions as to inquiries).
- (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.

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Extent Information

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

Textual Amendments

- F12** Word in s. 24(1)(a) substituted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 15 para. 8](#); [S.I. 2004/1973](#), art. 2, [Sch.](#)

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. **E+W+S**

[^{F14}(1) The Secretary of State may direct the [^{F15}appropriate Agency] that in his opinion, on grounds of national security, it is necessary that knowledge of [^{F16}such information as may be specified or described in the directions, being information contained in or relating to]—

- (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 [^{F17} . . . may direct the [^{F15}appropriate Agency] that in his [^{F17} . . . opinion, on grounds of national security, it is necessary that knowledge of [^{F18}such information as may be specified or described in the directions, being information contained in or relating to]—

- (a) any particular application for authorisation under section 13 or 14 [^{F19} or for the transfer (in whole or in part) or variation of an authorisation] 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 [^{F15}appropriate Agency] that an application, registration or authorisation is the subject of any directions under this section, the [^{F15}appropriate Agency] shall not send a copy of [^{F20}so much of] the application or the certificate of registration or authorisation [^{F21} or notice of variation] [^{F20}as contains the information specified or described in the directions]—

- (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 [^{F22} 16A or 17].

[^{F23}(3A) No direction under this section shall affect—

- (a) any power or duty of the Agency to which it is given to consult [^{F24}the Food Standards Agency]; or
- (b) the information which is to be sent by that Agency to [^{F24}the Food Standards Agency].]

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- (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.

^{F25}(5)]

Extent Information

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

Textual Amendments

- F14** S. 25 repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 11(2)(y), **Sch. 28** (with reg. 1(2), Sch. 4)
- F15** Words in s. 25 substituted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 200** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F16** Words in s. 25(1) inserted (E.W.S.) (28.7.1995) by 1995 c. 25, s. 120(1), **Sch. 22 para. 213(1)** (with ss. 7(6), 115, 117); S.I. 1995/1983, **art. 2**
- F17** Words in s. 25(2) repealed (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 213(2)(a), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F18** Words in s. 25(2) inserted (E.W.S.) (28.7.1995) by 1995 c. 25, s. 120(1), **Sch. 22 para. 213(2)(b)** (with ss. 7(6), 115, 117); S.I. 1995/1983, **art. 2**
- F19** Words in s. 25(2)(a) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 9(1)**; S.I. 2004/1973, **art. 2**, Sch.
- F20** Words in s. 25(3) inserted (E.W.S.) (28.7.1995) by 1995 c. 25, s. 120(1), **Sch. 22 para. 213(3)** (with ss. 7(6), 115, 117); S.I. 1995/1983, **art. 2**
- F21** Words in s. 25(3) substituted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 9(2)(a)**; S.I. 2004/1973, **art. 2**, Sch.
- F22** Words in s. 25(3)(b) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 9(2)(b)**; S.I. 2004/1973, **art. 2**, Sch.
- F23** S. 25(3A) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 213(4)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F24** Words in S. 25(3A) substituted (1.4.2000) by 1999 c. 28, s. 40(1)(2), **Sch. 5 para. 43(1)(5)(a)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F25** S. 25(5) repealed (1.4.2000) by 1999 c. 28, s. 40(1)(2)(4), Sch. 5 para. 43(5), **Sch. 6** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

Modifications etc. (not altering text)

- C1** S. 25: functions exercisable by the Secretary of State now exercisable (1.7.1999) by National Assembly for Wales concurrently with the Secretary of State by S.I. 1999/672, arts. 1(2), 2, **Sch. 1**
- C2** S. 25: functions of a Minister of the Crown, so far as they are exercisable by him in or as regards Scotland, now exercisable (1.7.1999) by the Scottish Ministers concurrently with the Minister concerned and only after consultation with the Secretary of State by S.I. 1999/1750, arts. 1, 3, **Sch. 2** (with art. 7)

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25 Power of Secretary of State to restrict knowledge of applications etc. **N.I.**

- (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^{F19} or for the transfer (in whole or in part) or variation of an authorisation] 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^{F21} or notice of variation]—
- (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^{F22} 16A or 17].
- (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.

Extent Information

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

Textual Amendments

F19 Words in s. 25(2)(a) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 15 para. 9\(1\)](#); [S.I. 2004/1973](#), art. 2, Sch.

F21 Words in s. 25(3) substituted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 15 para. 9\(2\)\(a\)](#); [S.I. 2004/1973](#), art. 2, Sch.

F22 Words in s. 25(3)(b) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 15 para. 9\(2\)\(b\)](#); [S.I. 2004/1973](#), art. 2, Sch.

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Modifications etc. (not altering text)

- C3** S. 25: functions exercisable by the Secretary of State now exercisable (1.7.1999) by the National Assembly for Wales concurrently with the Secretary of State by [S.I. 1999/672](#), arts. 1(2), 2, [Sch. 1](#)

Status:

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Changes to legislation:

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