



Radioactive Substances Act 1993

1993 CHAPTER 12

Preliminary

^{F1F2}1 **Meaning of “radioactive material”.**

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Textual Amendments

- F1** S. 1 repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 11(2)(a), **Sch. 28** (with reg. 1(2), Sch. 4)
- F2** Ss. 1A-1H, 1J (with a reference to the "Scottish Ministers" in s. 1J) substituted for ss. 1, 2 (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), **3**; and those same sections (with a reference to the "Department of Environment" in s. 1J) substituted (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, **3**

^{F2}[^{F3}1A **Meaning of “radioactive material” and “radioactive waste”**

In this Act, except as provided by sections 1E, 1F, 1G [^{F4}, 1GA] and 1H—

“radioactive material” means a substance or article which is not waste, and which satisfies the requirements of any of sections 1B, 1C and 1D as they apply to such a substance or article;

“radioactive waste” means a substance or article which is waste, and which satisfies the requirements of any of sections 1B, 1C and 1D; and

“Table 1”, “Table 2”, “Table 3” and “Table 4” mean the tables with those numbers in Schedule 1A.]

Textual Amendments

- F2** Ss. 1A-1H, 1J (with a reference to the "Scottish Ministers" in s. 1J) substituted for ss. 1, 2 (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), **3**; and those same sections (with a reference to the "Department of

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- Environment" in s. 1J) substituted (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, 3
- F3** Ss. 1-24 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5 paras. 3, 4, 6 and transitional provisions and savings (25.11.2021) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(Transitional and Savings Provisions\) Order 2021 \(S.I. 2021/1309\)](#), arts. 1(1), **3-5**)
- F4** Word in s. 1A inserted (N.I.) (1.6.2018) by [The Radioactive Substances \(Modification of Enactments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/116\)](#), regs. 1(1), **2(2)(a)**

[^{F3}1B] **NORM industrial activities**

- (1) Subsection (2) applies to a substance or article which—
- (a) arises from or is used in a NORM industrial activity listed in Part 1 of Table 1;
 - (b) is waste which arises from a NORM industrial activity listed in Part 2 of Table 1; or
 - (c) is contaminated by a substance or article described in paragraph (a) or (b), including where such contamination occurs indirectly through another contaminated substance or article.
- (2) A substance or article to which this subsection applies is radioactive material or radioactive waste where it has a concentration of radioactivity which exceeds the following values in Table 2—
- (a) for a solid substance or article or a relevant liquid substance, the value specified in column 2;
 - (b) for any other liquid substance, the value specified in column 3; or
 - (c) for a gaseous substance, the value specified in column 4.]

Textual Amendments

- F2** Ss. 1A-1H, 1J (with a reference to the "Scottish Ministers" in s. 1J) substituted for ss. 1, 2 (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), 3; and those same sections (with a reference to the "Department of Environment" in s. 1J) substituted (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, 3
- F3** Ss. 1-24 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5 paras. 3, 4, 6 and transitional provisions and savings (25.11.2021) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(Transitional and Savings Provisions\) Order 2021 \(S.I. 2021/1309\)](#), arts. 1(1), **3-5**)

[^{F3}1C] **Processed radionuclides of natural terrestrial or cosmic origin**

- A substance or article is radioactive material or radioactive waste where—
- (a) it contains one or more of the radionuclides of natural terrestrial or cosmic origin which are listed in column 1 of Table 3;
 - (b) the substance or article—
 - (i) is processed or is intended to be processed for the radioactive, fissile or fertile properties of those radionuclides; or
 - (ii) is contaminated by a substance or article to which sub-paragraph (i) applies, including where such contamination occurs indirectly through another contaminated substance or article; and

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- (c) the substance or article is—
- (i) a solid or a relevant liquid and it has a concentration of radioactivity which exceeds the value specified in column 2 of Table 3; or
 - (ii) any other liquid or a gas.]

Textual Amendments

- F2** Ss. 1A-1H, 1J (with a reference to the "Scottish Ministers" in s. 1J) substituted for ss. 1, 2 (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), 3; and those same sections (with a reference to the "Department of Environment" in s. 1J) substituted (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, 3
- F3** Ss. 1-24 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5 paras. 3, 4, 6 and transitional provisions and savings (25.11.2021) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(Transitional and Savings Provisions\) Order 2021 \(S.I. 2021/1309\)](#), arts. 1(1), **3-5**)

[^{F3}1D Radionuclides not of natural terrestrial or cosmic origin

A substance or article which contains one or more radionuclides that are not of natural terrestrial or cosmic origin is radioactive material or radioactive waste where—

- (a) it is a solid or a relevant liquid and it has a concentration of radioactivity which exceeds the value specified in column 2 of Table 3; or
- (b) it is any other liquid or a gas.]]

Textual Amendments

- F2** Ss. 1A-1H, 1J (with a reference to the "Scottish Ministers" in s. 1J) substituted for ss. 1, 2 (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), 3; and those same sections (with a reference to the "Department of Environment" in s. 1J) substituted (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, 3
- F3** Ss. 1-24 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5 paras. 3, 4, 6 and transitional provisions and savings (25.11.2021) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(Transitional and Savings Provisions\) Order 2021 \(S.I. 2021/1309\)](#), arts. 1(1), **3-5**)

[^{F5}1DA. Dilution to reduce concentration of radioactivity: Northern Ireland

For the purposes of section 1B, 1C and 1D, a substance or article is to be treated as having a concentration of radioactivity which exceeds the value referred to in section 1B(2), 1C(c)(i) or 1D(a), if a person has deliberately diluted the substance or article with the intention of ensuring that its concentration of radioactivity does not exceed that value.]

Textual Amendments

- F5** S. 1DA inserted (N.I.) (1.6.2018) by [The Radioactive Substances \(Modification of Enactments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/116\)](#), regs. 1(1), **2(2)(b)**)

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[^{F2}]^{F3} 1E Radionuclides with a short half-life

A substance or article is not radioactive material or radioactive waste where none of the radionuclides which it contains or which it consists of has a half-life exceeding 100 seconds.]

Textual Amendments

- F2** Ss. 1A-1H, 1J (with a reference to the "Scottish Ministers" in s. 1J) substituted for ss. 1, 2 (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), 3; and those same sections (with a reference to the "Department of Environment" in s. 1J) substituted (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, 3
- F3** Ss. 1-24 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5 paras. 3, 4, 6 and transitional provisions and savings (25.11.2021) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(Transitional and Savings Provisions\) Order 2021 \(S.I. 2021/1309\)](#), arts. 1(1), 3-5)

[^{F3} 1F Radionuclides not of natural terrestrial or cosmic origin in background radioactivity

- (1) A substance or article is not radioactive material or radioactive waste where—
- (a) it is contaminated as a result of a climatic process, or a combination of such processes, by radionuclides which—
 - (i) are not of natural terrestrial or cosmic origin; and
 - (ii) are not present in the substance or article at a concentration that exceeds that found normally in such a substance or article in the United Kingdom; and
 - (b) in the absence of such contamination, the substance or article would not otherwise be radioactive material or radioactive waste under this Act.
- (2) In this section, a “climatic process” includes wind, precipitation and the general circulation of the atmosphere and oceans.]

Textual Amendments

- F2** Ss. 1A-1H, 1J (with a reference to the "Scottish Ministers" in s. 1J) substituted for ss. 1, 2 (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), 3; and those same sections (with a reference to the "Department of Environment" in s. 1J) substituted (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, 3
- F3** Ss. 1-24 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5 paras. 3, 4, 6 and transitional provisions and savings (25.11.2021) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(Transitional and Savings Provisions\) Order 2021 \(S.I. 2021/1309\)](#), arts. 1(1), 3-5)

[^{F3} 1G Contaminated substances or articles

- (1) Subject to subsection (2), a substance or article is not radioactive material where—
- (a) it is contaminated, but has not been so contaminated with the intention of utilising its radioactive, fissile or fertile properties; and

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- (b) in the absence of such contamination, the substance or article would not otherwise be radioactive material under this Act.
- (2) Subsection (1) only applies while the substance or article is kept on the premises on which the contamination occurred.]]

Textual Amendments

- F2** Ss. 1A-1H, 1J (with a reference to the "Scottish Ministers" in s. 1J) substituted for ss. 1, 2 (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), 3; and those same sections (with a reference to the "Department of Environment" in s. 1J) substituted (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, 3
- F3** Ss. 1-24 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5 paras. 3, 4, 6 and transitional provisions and savings (25.11.2021) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(Transitional and Savings Provisions\) Order 2021 \(S.I. 2021/1309\)](#), arts. 1(1), 3-5)

[^{F6}1GA. Historic radium contamination: Northern Ireland

A substance or article is not radioactive material or radioactive waste where the substance or article arises from the remediation of land contaminated by radium and—

- (a) the substance or article contains Ra-226 or its progeny;
- (b) in the absence of Ra-226 or its progeny, the substance or article would not otherwise be radioactive material or radioactive waste under this section;
- (c) the contamination occurred prior to 13 May 2000; and
- (d) the concentration of Ra-226 and any progeny resulting from the decay of Ra-226 does not exceed the following values—
- (i) for a substance or article which is a solid or a substance which is relevant a liquid, 1Bq/g;
- (ii) for a substance which is any other liquid, 1Bq/l; or
- (iii) for a substance which is a gas, 0.01 Bq/m³.]

Textual Amendments

- F6** S. 1GA inserted (N.I.) (1.6.2018) by [The Radioactive Substances \(Modification of Enactments\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/116\)](#), regs. 1(1), 2(2)(c)

[^{F2}[^{F3}1H Substances or articles after disposal

- (1) Subject to subsections (2) and (3), a substance or article is not radioactive material or radioactive waste during the excluded period where—
- (a) the substance or article has been disposed of lawfully, and at the time of the disposal no further act of disposal is intended in respect of it; or
- (b) the substance or article—
- (i) is contaminated by a substance or article to which paragraph (a) applies, including where such contamination occurs indirectly through another contaminated substance or article;

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- (ii) in the absence of such contamination, would not otherwise be radioactive material or radioactive waste under this Act; and
 - (iii) is not contaminated with the intention of using its radioactive, fissile or fertile properties.
- (2) In subsection (1), “the excluded period” means the period—
- (a) beginning at the relevant start time; and
 - (b) ending in the circumstances specified in subsection (4).
- (3) The relevant start time is—
- (a) where the substance or article has been disposed of and—
 - (i) is solid at the time of the disposal;
 - (ii) is disposed of by burial (whether underground or otherwise) on premises in relation to which an authorisation under section 13 of this Act is held at the time of disposal; and
 - (iii) is disposed of in accordance with that authorisation, the time of the revocation of that authorisation;
 - (b) where the substance or article is contaminated by a substance or article to which paragraph (a) applies, including where such contamination occurs indirectly through another contaminated substance or article, the time of the revocation of the authorisation referred to in paragraph (a)(ii); or
 - (c) in relation to any other substance or article—
 - (i) the time of the disposal of it; or
 - (ii) where the substance or article is one to which subsection (1)(b) applies, the time of the disposal of the substance or article that caused it, directly or indirectly, to be contaminated.
- (4) The excluded period ends where, after the beginning of the excluded period, the substance or article is subject to a process which leads to an increase in the radiation exposure of the public or any plant or animal, at the time of that increase.]

Textual Amendments

- F2** Ss. 1A-1H, 1J (with a reference to the "Scottish Ministers" in s. 1J) substituted for ss. 1, 2 (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), 3; and those same sections (with a reference to the "Department of Environment" in s. 1J) substituted (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, 3
- F3** Ss. 1-24 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, [sch. 7 para. 1](#) (with reg. 78, sch. 5 paras. 3, 4, 6 and transitional provisions and savings (25.11.2021) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(Transitional and Savings Provisions\) Order 2021 \(S.I. 2021/1309\)](#), arts. 1(1), 3-5)

[^{F3}1J] Variation of tables in Schedule 1A

The Department of the Environment may by order vary the provisions of Table 2 and Table 3, either by adding further entries to any column of those tables or by altering or deleting any entry for the time being contained in any column.]]

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- F2** Ss. 1A-1H, 1J (with a reference to the "Scottish Ministers" in s. 1J) substituted for ss. 1, 2 (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), **3**; and those same sections (with a reference to the "Department of Environment" in s. 1J) substituted (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, **3**
- F3** Ss. 1-24 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5 paras. 3, 4, 6 and transitional provisions and savings (25.11.2021) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(Transitional and Savings Provisions\) Order 2021 \(S.I. 2021/1309\)](#), arts. 1(1), **3-5**)

^{F7}F²2 Meaning of "radioactive waste".

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Textual Amendments

- F2** Ss. 1A-1H, 1J (with a reference to the "Scottish Ministers" in s. 1J) substituted for ss. 1, 2 (S.) (1.10.2011) by [The Radioactive Substances Act 1993 Amendment \(Scotland\) Regulations 2011 \(S.S.I. 2011/207\)](#), regs. 1(1), **3**; and those same sections (with a reference to the "Department of Environment" in s. 1J) substituted (N.I.) (1.10.2011) by [The Radioactive Substances Act 1993 \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/290\)](#), regs. 1, **3**
- F7** S. 2 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)(b), **Sch. 28** (with reg. 1(2), Sch. 4)

^{F3}[^{F8}3 Meaning of "mobile radioactive apparatus".

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.]

Textual Amendments

- F3** Ss. 1-24 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5 paras. 3, 4, 6 and transitional provisions and savings (25.11.2021) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(Transitional and Savings Provisions\) Order 2021 \(S.I. 2021/1309\)](#), arts. 1(1), **3-5**)
- F8** S. 3 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)(c), **Sch. 28** (with reg. 1(2), Sch. 4)

Changes to legislation:

Radioactive Substances Act 1993, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 23 May 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2014 c. 20 Sch. 1 para. 5](#)
- Act saving for effects of S.I. 2016/1154, reg. 72 by [S.S.I. 2018/219 Sch. 5 para. 346](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A(1A)-(1C) inserted by [2022 c. 35 s. 14\(3\)](#)