



# Radioactive Substances Act 1993

## 1993 CHAPTER 12

### *Rights of entry*

#### **31 Rights of entry and inspection**

- (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
  - (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 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 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 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 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.