

*Status: Point in time view as at 01/09/2018.*

*Changes to legislation: Radioactive Substances Act 1993, SCHEDULE 2 is up to date with all changes known to be in force on or before 07 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)*

## SCHEDULES

### <sup>F1</sup>SCHEDULE 2

Section 31.

#### EXERCISE OF RIGHTS OF ENTRY AND INSPECTION

##### Textual Amendments

**F1** Sch. 2 repealed (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 229, Sch. 24 (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3

- 1 A person entering upon any premises in the exercise of any power conferred by this Act shall, if so required, produce written evidence of his authority before entering.
- 2 Where it is shown to the satisfaction of a justice of the peace, on sworn information in writing, that admission to premises specified in the information is reasonably required by a person for the purpose of exercising a power conferred by this Act in respect of the premises, the justice, subject to paragraph 3, may by warrant under his hand authorise that person to enter upon the premises.
- 3 A justice of the peace shall not grant a warrant under paragraph 2 unless he is satisfied—
  - (a) that admission to the premises for the purpose of exercising the power in question was sought—
    - (i) in the case of premises to which section 31(1) applies, after not less than twenty-four hours' notice of the intended entry had been given to the occupier, or
    - (ii) in the case of any other premises, after not less than seven days' notice of the intended entry had been so given, or
  - (b) that admission to the premises for that purpose was sought in a case of emergency and was refused by or on behalf of the occupier, or
  - (c) that the premises are unoccupied, or
  - (d) that an application for admission would defeat the object of the entry.
- 4 Every warrant granted under this Schedule shall remain in force until the purpose for which the entry is required has been satisfied.
- 5 Any person who, in the exercise of a power conferred by this Act, enters any premises which are unoccupied, or of which the occupier is temporarily absent, shall leave the premises as effectually secured against unauthorised entry as he found them.
- 6 Before a person carries out any test on any premises, in the exercise of any power conferred by this Act, he shall consult with such persons having duties on the premises as may appear to him to be appropriate in order to secure that the carrying out of the test does not create any danger.

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- 7 Any power of entry conferred by this Act shall, if exercised under the authority of a warrant granted under this Schedule or in a case of emergency, but not in any other case, include power to enter, if need be, by force.
- 8 Any power of entry, or of carrying out tests or inspections, or of obtaining or taking away samples, conferred on any person by this Act may be exercised by him either alone or together with any other persons.
- 9 In this Schedule any reference to a case of emergency shall be construed in accordance with section 31(11).
- 10 This Schedule shall have effect in relation to Scotland with the substitution for any reference to a justice of the peace of a reference to the sheriff.

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