



# Radioactive Substances Act 1993

## 1993 CHAPTER 12

### *Preliminary*

#### **[<sup>F1</sup>]<sup>F2</sup>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;
    - (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

*Status: Point in time view as at 25/11/2021.*

*Changes to legislation: Radioactive Substances Act 1993, Section 1H is up to date with all changes known to be in force on or before 28 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. (See end of Document for details)*

- 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

- F1** 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** 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)

**Status:**

Point in time view as at 25/11/2021.

**Changes to legislation:**

Radioactive Substances Act 1993, Section 1H is up to date with all changes known to be in force on or before 28 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.