

*Status: Point in time view as at 19/11/1998.*

**Changes to legislation:** Environment Act 1995, Cross Heading: The Radioactive Substances Act 1993 is up to date with all changes known to be in force on or before 26 June 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

### SCHEDULE 22

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Radioactive Substances Act 1993*

- 200 Subject to the other provisions of this Act, in the <sup>M1</sup>Radioactive Substances Act 1993, for the words “chief inspector” or “chief inspector’s”, wherever occurring, there shall be substituted respectively the words “ appropriate Agency ” or “ appropriate Agency’s ”.

#### Marginal Citations

**M1** 1993 c. 12.

- 201 Sections 4 and 5 of that Act (appointment of inspectors and chief inspectors) shall cease to have effect.
- 202 (1) In section 7 of that Act (registration of users of radioactive material) in subsection (1) (c) (application to be accompanied by prescribed fee), for the words “prescribed fee” there shall be substituted the words “charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995”.
- (2) In subsection (7) of that section (chief inspector to have regard exclusively to amount and character of radioactive waste), for the word “him” there shall be substituted the word “it”.
- 203 In section 8 of that Act (exemptions from registration under section 7), in subsection (2) (power of chief inspector to impose conditions) for the word “he” there shall be substituted the word “it”.
- 204 (1) In section 10 of that Act (registration of mobile radioactive apparatus) in subsection (1)(c) (application to be accompanied by prescribed fee), for the words “prescribed fee” there shall be substituted the words “charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995”.
- (2) In each of subsections (3) and (5)(b) of that section (duty to supply copy of application, and to send copy of certificate, to local authority) for the word “him” there shall be substituted the words “the appropriate Agency”.
- 205 (1) Section 16 of that Act (authorisations) shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (2) (power to grant authorisations to be exercisable by the chief inspector) the words “Subject to subsection (3)” shall be omitted.

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- (3) Subsection (3) (power to grant authorisations in England, Wales and Northern Ireland) shall be omitted.
- (4) In subsection (4) (application to be accompanied by prescribed fee), for the words “prescribed fee” there shall be substituted the words “charge prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995”.
- (5) After subsection (4) there shall be inserted—
- “(4A) Without prejudice to subsection (5), on any application for an authorisation under section 13(1) in respect of the disposal of radioactive waste on or from any premises situated on a nuclear site in any part of Great Britain, the appropriate Agency—
- (a) shall consult the relevant Minister and the Health and Safety Executive before deciding whether to grant an authorisation on that application and, if so, subject to what limitations or conditions, and
- (b) shall consult the relevant Minister concerning the terms of the authorisation, for which purpose that Agency shall, before granting any authorisation on that application, send that Minister a copy of any authorisation which it proposes so to grant.”
- (6) In subsection (5) (consultation by chief inspector and, where the premises are in England, Wales or Northern Ireland, the appropriate Minister with local authorities etc)—
- (a) for the words from “and, where” to “shall each” there shall be substituted the word “shall”; and
- (b) for the word “him”, in each place where it occurs, there shall be substituted the words “that Agency”.
- (7) In subsection (7) (applications, other than those to which subsection (3) applies, deemed to be refused if not determined within prescribed period) for the words “(other than an application to which subsection (3) applies)” there shall be substituted the words “(other than an application for an authorisation under section 13(1) in respect of the disposal of radioactive waste on or from any premises situated on a nuclear site in any part of Great Britain)”.
- (8) In subsection (8)(b) (conditions or limitations subject to which authorisations may be granted) for the words from “or, as” to “think” there shall be substituted the word “thinks”.
- (9) In subsection (10) of that section (fixing of date from which authorisation is to have effect)—
- (a) the words from “or, as” to “appropriate Minister” shall cease to have effect; and
- (b) for the words “him or them” and “his or their” there shall be substituted respectively the words “it” and “its”.
- (10) After that subsection there shall be inserted—
- “(11) In this section, “the relevant Minister” means—
- (a) in relation to premises in England, the Minister of Agriculture, Fisheries and Food, and
- (b) in relation to premises in Wales or Scotland, the Secretary of State.”

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- 206 (1) In section 17 of that Act, after subsection (2) (variation of authorisations) there shall be inserted—
- “(2A) On any proposal to vary an authorisation granted under section 13(1) in respect of the disposal of radioactive waste on or from any premises situated on a nuclear site in any part of Great Britain, the appropriate Agency—
- (a) shall consult the relevant Minister and the Health and Safety Executive before deciding whether to vary the authorisation and, if so, whether by attaching, revoking or varying any limitations or conditions or by attaching further limitations or conditions, and
- (b) shall consult the relevant Minister concerning the terms of any variation, for which purpose that Agency shall, before varying the authorisation, send that Minister a copy of any variations which it proposes to make.”
- (2) Subsection (4) of that section (adaptations for authorisations granted by the chief inspector and the appropriate Minister) shall cease to have effect.
- (3) At the end of that section there shall be added—
- “(5) In this section, “the relevant Minister” has the same meaning as in section 16 above.”
- 207 (1) In section 18 of that Act (functions of public and local authorities in relation to authorisations under section 13) in subsection (1)—
- (a) the words from “(or, in a case” to “that Minister)”, and
- (b) the words “or the appropriate Minister, as the case may be,”
- shall cease to have effect.
- (2) In subsection (2)(b) of that section (special precautions taken with the approval of the chief inspector etc) the words from “(or, where” to “that Minister)” shall cease to have effect.
- 208 In section 20 of that Act (retention and production of site or disposal records) subsection (3) (adaptation where powers exercisable by chief inspector and appropriate Minister) shall cease to have effect.
- 209 (1) In section 21 of that Act (enforcement notices) in subsection (1) (power of chief inspector to serve such a notice) for the word “he” there shall be substituted the word “it”.
- (2) Subsection (3) of that section (adaptation in case of authorisations granted by the chief inspector and the appropriate Minister) shall cease to have effect.
- (3) In subsection (4) of that section (copies of notices to be sent to certain public or local authorities) the words from “or, where” to “that Minister” shall cease to have effect.
- 210 (1) In section 22 of that Act (prohibition notices) in subsection (1) (power of chief inspector to serve such a notice) for the word “he” there shall be substituted the word “it”.
- (2) Subsection (5) of that section (adaptation in case of authorisations granted by the chief inspector and the appropriate Minister) shall cease to have effect.
- (3) In subsection (6) of that section (copies of notices to be sent to certain public or local authorities) the words from “or, where” to “that Minister” shall cease to have effect.

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- (4) In subsection (7) of that section (withdrawal of notices)—
- (a) the words from “or, where” to “that Minister” shall cease to have effect; and
  - (b) for the word “he”, in each place where it occurs, there shall be substituted the words “that Agency”.
- 211 (1) In section 23 of that Act (powers of Secretary of State to give directions to the chief inspector)—
- (a) in subsections (1) and (3) for the word “him” there shall be substituted the word “it”; and
  - (b) in subsection (2) for the word “his” there shall be substituted the word “its”.
- (2) After subsection (4) of that section there shall be inserted—
- “(4A) In the application of this section in relation to authorisations, and applications for authorisations, under section 13 in respect of premises situated on a nuclear site in England, references to the Secretary of State shall have effect as references to the Secretary of State and the Minister of Agriculture, Fisheries and Food.”
- 212 (1) In section 24 of that Act (power of Secretary of State to require certain applications to be determined by him) in subsections (1) and (4), for the word “him”, in each place where it occurs, there shall be substituted the word “it”.
- (2) After subsection (4) of that section there shall be inserted—
- “(4A) In the application of this section in relation to authorisations, and applications for authorisations, under section 13 in respect of premises situated on a nuclear site in England, references to the Secretary of State shall have effect as references to the Secretary of State and the Minister of Agriculture, Fisheries and Food.”
- 213 (1) In section 25 of that Act (power of Secretary of State to restrict knowledge of applications etc) in subsection (1) (applications under section 7 to 10 etc), after the words “knowledge of” there shall be inserted the words “such information as may be specified or described in the directions, being information contained in or relating to—”.
- (2) In subsection (2) of that section (applications under section 13 or 14 etc)—
- (a) the words from “or, in a case” to “Food,” and “or their” shall cease to have effect; and
  - (b) after the words “knowledge of” there shall be inserted the words “such information as may be specified or described in the directions, being information contained in or relating to—”.
- (3) In subsection (3) of that section (copies of certain applications etc which are the subject of a direction not to be sent to local or public authorities)—
- (a) after the words “send a copy of” there shall be inserted the words “so much of”; and
  - (b) after the words “as the case may be” there shall be inserted the words “as contains the information specified or described in the directions—”.

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(4) After that subsection there shall be inserted—

“(3A) No direction under this section shall affect—

- (a) any power or duty of the Agency to which it is given to consult the relevant Minister; or
- (b) the information which is to be sent by that Agency to that Minister.”

(5) At the end of that section there shall be added—

“(5) In this section “the relevant Minister” has the same meaning as in section 16 above.”

#### Commencement Information

- II** Sch. 22 para. 213 wholly in force at 1.4.1996; Sch. 22 para. 213 not in force at Royal Assent see s. 125(3); Sch. 22 para. 213(1)(2)(b)(3) in force at 28.7.1995 by S.I. 1995/1983, art. 2; Sch. 22 para. 213(2)(a)(4) (5) in force at 1.4.1996 by S.I. 1996/186, art. 3

214 (1) Section 26 of that Act (appeals) shall be amended in accordance with the following provisions of this paragraph.

(2) Subsection (3)(a) (appeal not to lie in relation to authorisations subject to section 16(3)) shall cease to have effect.

(3) In subsection (4) (appeals in respect of enforcement or prohibition notices) the words “England, Wales or” shall be omitted.

(4) After subsection (5) there shall be inserted—

“(5A) In the application of this section in relation to authorisations, and applications for authorisations, under section 13 in respect of premises situated on a nuclear site in England, references in subsection (1) to (3) to the Secretary of State shall have effect as references to the Secretary of State and the Minister of Agriculture, Fisheries and Food.”

215 (1) Section 27 of that Act (procedure on appeals under section 26) shall be amended in accordance with the following provisions of this paragraph.

(2) In subsection (1) (power of Secretary of State to refer appeal to appointed person) after the word “26” there shall be inserted the words “, other than an appeal against any decision of, or notice served by, SEPA,”.

(3) After that subsection there shall be inserted—

“(1A) As respects an appeal against any decision of, or notice served by, SEPA, this section is subject to section 114 of the Environment Act 1995 (delegation or reference of appeals).”

(4) After subsection (7) there shall be inserted—

“(7A) In the application of this section in relation to authorisations, and applications for authorisations, under section 13 in respect of premises situated on a nuclear site in England, references in subsections (1) to (6) to the Secretary of State shall have effect as references to the Secretary of State and the Minister of Agriculture, Fisheries and Food.”

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- 216 Section 28 of that Act (representations in relation to authorisations and notices where appropriate Minister is concerned) shall cease to have effect.
- 217 (1) Section 30 of that Act (power of Secretary of State to dispose of radioactive waste) shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (1) (which confers the power)—
- (a) for the words “the Secretary of State”, in the first place where they occur, there shall be substituted the words “the appropriate Agency”;
- (b) for those words, wherever else occurring, there shall be substituted the words “that Agency”; and
- (c) for the word “his” there shall be substituted the word “its”.
- (3) In subsection (3) (application of certain definitions of “owner”) for the words “Secretary of State” there shall be substituted the words “Environment Agency”.
- (4) In subsection (4) (adaptations for Scotland) for the words “the Secretary of State” there shall be substituted the words “SEPA”.
- 218 Section 31 of that Act (rights of entry and inspection) shall cease to have effect.
- 219 In section 32 of that Act (offences relating to registration or authorisation, including the offence of failure to comply with the requirements of an enforcement or prohibition notice under section 21 or 22 of the Act) after subsection (2) there shall be added—
- “(3) If the appropriate Agency is of the opinion that proceedings for an offence under subsection (1)(d) would afford an ineffectual remedy against a person who has failed to comply with the requirements of a notice served on him under section 21 or 22, that Agency may take proceedings in the High Court or, in Scotland, in any court of competent jurisdiction, for the purpose of securing compliance with the notice.”
- 220 In section 34(1) of that Act (which, with certain exceptions, makes it an offence to disclose certain trade secrets) after paragraph (b) (no offence where disclosure made in accordance with directions) there shall be inserted—
- “(bb) under or by virtue of section 113 of the Environment Act 1995, or”.
- 221 Section 35 of that Act (obstruction of inspectors or other persons) shall cease to have effect.
- 222 In section 38 of that Act (restriction on prosecution) in subsection (1) (provision for England and Wales) for paragraph (b) there shall be substituted—
- “(b) by the Environment Agency, or”.
- 223 (1) In section 39 of that Act (public access to documents and records) in subsection (1) (duties of chief inspector)—
- (a) for the word “him”, in each place where it occurs, there shall be substituted the word “it”;
- (b) for the word “he” there shall be substituted the words “the appropriate Agency”; and
- (c) for the words “applications or certificates” there shall be substituted the word “information”.
- (2) In subsection (2), the words “or, as the case may be, the appropriate Minister and the chief inspector,” shall cease to have effect.

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#### Commencement Information

**I2** Sch. 22 para. 223 wholly in force at 1.4.1996; Sch. 22 para. 223 not in force at Royal Assent see s. 125(3); Sch. 22 para. 223(1)(c) in force at 28.7.1995 by S.I. 1995/1983, art. 2; Sch. 22 para. 223(1)(a)(b)(2) in force at 1.4.1996 by S.I. 1996/186, art. 3

- 224 In section 40 of that Act (radioactivity to be disregarded for purposes of certain statutory provisions) in subsection (2)(b)(ii), after the words “imposed by the statutory provision on” there shall be inserted the words “the Environment Agency or SEPA or on”.
- 225 Section 42(5) of that Act (which precludes, in the interests of national security, the exercise of certain powers of entry in relation to Crown premises and which is superseded by provisions of this Act) shall cease to have effect.
- 226 Section 43 of that Act (which relates to fees and charges and which is superseded by provisions of this Act) shall cease to have effect.
- 227 (1) Subsection (1) of section 47 of that Act (general definitions) shall be amended in accordance with the following provisions of this paragraph.
- (2) There shall be inserted at the appropriate place—
- ““the appropriate Agency” means—
- (a) in relation to England and Wales, the Environment Agency; and
- (b) in relation to Scotland, SEPA;”.
- (3) In the definition of “the appropriate Minister”, paragraphs (a) and (b) shall cease to have effect.
- (4) In the definition of “the chief inspector”, paragraphs (a) and (b) shall cease to have effect.
- (5) In the definition of “prescribed”, the words from “or, in relation to fees” onwards shall cease to have effect.
- (6) In the definition of “relevant water body”—
- (a) in paragraph (a), the words “the National Rivers Authority”, and
- (b) in paragraph (b), the words “a river purification authority within the meaning of the <sup>M2</sup>Rivers (Prevention of Pollution) (Scotland) Act 1951”, shall be omitted.
- (7) There shall be inserted at the appropriate place—
- ““SEPA” means the Scottish Environment Protection Agency;”.

#### Marginal Citations

**M2** 1951 c. 66.

- 228 In section 48 of that Act (index of defined expressions) in the Table—
- (a) the following entries shall be inserted at the appropriate place—
- |  |                 |
|--|-----------------|
| “the <sup>(i)</sup> appropriate Agency | section 47(1)”; |
|--|-----------------|

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~~“SEPA~~ section 47(1)”;

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(b) the entry relating to the chief inspector shall be omitted.

229 Schedule 2 to that Act (exercise of rights of entry and inspection) shall cease to have effect.

230 (1) In Schedule 3 to that Act (enactments, other than local enactments, to which s.40 applies) in paragraph 9 (which specifies certain provisions in the <sup>M3</sup>Water Resources Act 1991) for the words “203 and 213” there shall be substituted the words “and 203”.

(2) For paragraph 16 of that Schedule there shall be substituted—

“16 Sections 30A, 30B, 30D, 30F, 30G, 30H(1), 31(4), (5), (8) and (9), 31A, 34 to 42B, 46 to 46D and 56(1) to (3) of the <sup>M4</sup>Control of Pollution Act 1974.”

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**Marginal Citations**

**M3** 1991 c. 57.

**M4** 1974 c. 40.



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