Radioactive Substances Act 1993

1993 CHAPTER 12

Further powers of Secretary of State in relation to radioactive waste

29 Provision of facilities for disposal or accumulation of radioactive waste.

[[F1](1) If it appears to the Secretary of State that adequate facilities are not available for the safe disposal or accumulation of radioactive waste, the Secretary of State may provide such facilities, or may arrange for their provision by such persons as the Secretary of State may think fit.

(2) Where, in the exercise of the power conferred by this section, the Secretary of State proposes to provide, or to arrange for the provision of, a place for the disposal or accumulation of radioactive waste, the Secretary of State, before carrying out that proposal, shall consult with any local authority in whose area that place would be situated, and with such other public or local authorities (if any) as appear to him to be proper to be consulted by him.

(3) The Secretary of State may make reasonable charges for the use of any facilities provided by him, or in accordance with arrangements made by him, under this section, or, in the case of facilities provided otherwise than by the Secretary of State, may direct that reasonable charges for the use of the facilities may be made by the person providing them in accordance with any such arrangements.

(4) In the application of this section to Northern Ireland, references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland.**]**

Textual Amendments

F1 S. 29 repealed (E.W.) (6.4.2010) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1)(b), Sch. 26 para. 11(2)(bb), **Sch. 28** (with reg. 1(2), Sch. 4)

Changes to legislation: *Radioactive Substances Act 1993, Cross Heading: Further powers of Secretary of State in relation to radioactive waste is up to date with all changes known to be in force on or before 06 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) View outstanding changes*

[F2][F3]30 Power of Secretary of State to dispose of radioactive waste.

(1) If there is radioactive waste on any premises, and the Secretary of State is satisfied that—

(a) the waste ought to be disposed of, but

(b) by reason that the premises are unoccupied, or that the occupier is absent, or is insolvent, or for any other reason, it is unlikely that the waste will be lawfully disposed of unless the Secretary of State exercises his powers under this section,

the Secretary of State shall have power to dispose of that radioactive waste as the Secretary of State may think fit, and to recover from the occupier of the premises, or, if the premises are unoccupied, from the owner of the premises, any expenses reasonably incurred by the Secretary of State in disposing of it.

(2) In the application of subsection (1) to Northern Ireland, references to the Secretary of State shall have effect as references to the Department of the Environment for Northern Ireland.

(3) For the purposes of this section in its application to England and Wales and Northern Ireland, the definition of "owner" in section 343 of the [M1]Public Health Act 1936, and the provisions of section 294 of that Act (which limits the liability of owners who are only agents or trustees), shall apply—

(a) with the substitution in section 294 for references to a council of references to the Secretary of State or, in Northern Ireland, the Department of the Environment for Northern Ireland, and

(b) in relation to Northern Ireland, as if that Act extended to Northern Ireland.

(4) For the purposes of this section in its application to Scotland, the definition of "owner" in section 3 of the [M2]Public Health (Scotland) Act 1897 and the provisions of section 336 of the [M3]Housing (Scotland) Act 1987 shall apply, with the substitution in section 336 of references to the Secretary of State for references to a local authority.**]**

Textual Amendments

F2 Ss. 30-46 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 with 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 S. 30 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)(cc), **Sch. 28** (with reg. 1(2), Sch. 4)

Marginal Citations

M1 1936 c. 49.

M2 1897 c. 38.

M3 1987 c. 26.

[F2][F4][F5]30A Recovery and disposal of orphan sources

(1) The appropriate Agency shall be prepared or have made provision, including assignment of responsibilities, to **[**[F6]control and**]** recover any orphan source and shall have drawn up appropriate response plans and measures.

(2) The appropriate Agency shall have the power to recover any expenses reasonably incurred by it (or by a person on its behalf) in the recovery and disposal of an orphan source from the holder of that source or from the occupier or owner of the premises where the source is located.

(3) For the purposes of paragraph (2), "holder" means the person who is or is required to be registered or authorised under this Act in relation to that orphan source.

(4) If the relevant person thinks fit, the relevant person may make available to the appropriate Agency a sum or sums of money in respect of costs and expenses incurred or to be incurred by the appropriate Agency (or by a person on its behalf) in relation to the recovery and disposal of orphan sources where—

(a) the amount of such costs and expenses exceeds or is expected to exceed any reasonable provision for such costs and expenses made by the appropriate Agency, and

(b) the making available of such sum or sums is necessary to enable the recovery and disposal of any orphan source.

(5) In subsection (4), "relevant person" means—

(a) in relation to England, the Secretary of State,

(b) in relation to Wales, the National Assembly for Wales,

(c) in relation to Scotland, the Scottish Ministers, and

(d) in relation to Northern Ireland, the Department of the Environment.

(6) In the application of this section to Northern Ireland a reference to the appropriate Agency must be taken to be a reference to the chief inspector.**]]**

Textual Amendments

F2 Ss. 30-46 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 with 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 S. 30A inserted (20.10.2005) by High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005 (S.I. 2005/2686), regs. 1(2), **16**

F5 S. 30A 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)(dd), **Sch. 28** (with reg. 1(2), Sch. 4)

F6 Words in s. 30A(1) 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(6)**

Changes to legislation:
Radioactive Substances Act 1993, Cross Heading: Further powers of Secretary of State in relation to radioactive waste is up to date with all changes known to be in force on or before 06 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.
View outstanding changes

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)