



# Radioactive Substances Act 1993

## 1993 CHAPTER 12

### *Powers of Secretary of State in relation to applications etc.*

#### **<sup>F1</sup>[<sup>F2</sup>23 Power of Secretary of State to give directions to chief inspector.**

- (1) The Secretary of State may, if he thinks fit in relation to—
  - (a) an application for registration under section 7 or 10,
  - (b) an application for an authorisation under section 13 or 14 [<sup>F3</sup>or for the transfer (in whole or in part) or variation of an authorisation], or
  - (c) any such registration or authorisation,give directions to the chief inspector requiring him to take any of the steps mentioned in the following subsections in accordance with the directions.
- (2) A direction under subsection (1) may require the chief inspector so to exercise his powers under this Act as—
  - (a) to refuse an application for registration or authorisation [<sup>F4</sup>or for the transfer (in whole or in part) or variation of an authorisation],
  - (b) to effect or grant a registration or authorisation, attaching such limitations or conditions (if any) as may be specified in the direction, or
  - (c) to vary a registration or authorisation, as may be so specified, or
  - [<sup>F5</sup>(ca) to grant an application for the transfer (in whole or in part) of an authorisation, or
  - (cb) to carry out a review under section 17A, or]
  - (d) to cancel or revoke (or not to cancel or revoke) a registration or authorisation.
- (3) The Secretary of State may give directions to the chief inspector, as respects any registration or authorisation, requiring him to serve a notice under section 21 or 22 in such terms as may be specified in the directions.
- (4) The Secretary of State may give directions requiring the chief inspector to send such written particulars relating to, or to activities carried on in pursuance of, registrations effected or authorisations granted under any provision of this Act as may be specified in the directions to such local authorities as may be so specified.

*Changes to legislation: Radioactive Substances Act 1993, Section 23 is up to date with all changes known to be in force on or before 23 April 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*

- (5) 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.
- [<sup>F6</sup>(6) In Northern Ireland, where the Department of the Environment gives directions to the chief inspector under this section for the purpose of implementing provisions of the HASS Directive the following requirements apply—
- (a) any direction shall be published in such manner as the Department considers appropriate for the purpose of bringing the matters to which it relates to the attention of persons likely to be affected by it;
  - (b) copies of a direction shall be made available to the public;
  - (c) notice of a direction and of where a copy may be obtained shall be given in the Belfast Gazette;
  - (d) a direction shall be given only after consultation with the chief inspector; and
  - (e) no direction shall be varied or revoked unless, notwithstanding the variation or revocation, the provisions of the HASS Directive as they have effect for the time being which were implemented by that direction, continue to be implemented, whether by directions or any other instrument or by any enactment.]]

#### Textual Amendments

- F1** 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**)
- F2** S. 23 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)(w), **Sch. 28** (with reg. 1(2), Sch. 4)
- F3** Words in s. 23(1)(b) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 7(1)**; S.I. 2004/1973, art. 2, Sch.
- F4** Words in s. 23(2)(a) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 7(2)**; S.I. 2004/1973, art. 2, Sch.
- F5** S. 23(2)(ca)(cb) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 7(3)**; S.I. 2004/1973, art. 2, Sch.
- F6** S. 23(6) inserted (20.10.2005) by [High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005 \(S.I. 2005/2686\)](#), regs. 1(2), **15**

**Changes to legislation:**

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**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\(3\)](#)