



Radioactive Substances Act 1948

1948 CHAPTER 37 11 and 12 Geo 6

An Act to make provision with respect to radioactive substances and certain apparatus producing radiation. [30th June 1948]

Modifications etc. (not altering text)

- C1** Functions of Minister of Supply under this Act now exercisable by Secretary of State for Education and Science: [S. I. 1953/1673](#) (1953 I, p. 1222), 1957/561 (1957 I, p. 1435), 1959/1826 (1959 I, p. 1791), 1964/490
- C2** Functions of Minister of Health now exercisable by Secretary of State: [S. I. 1968/1699](#)

Commencement Information

- I1** Act wholly in force at Royal Assent

1 ^{F1}

Textual Amendments

- F1** [S. 1](#) repealed by [Atomic Energy Authority Act 1954 \(c. 32\)](#), [s. 2\(3\)](#)

2 Control of importation and exportation of radioactive substances.

- (1) The Minister of Supply may by order make such provision as the Minister thinks expedient for prohibiting or regulating, subject to such exceptions, if any, as may be made by or under the order, the importation into, or exportation from, the United Kingdom, or the carriage coastwise or the shipment as ships' stores, of all radioactive substances or radioactive substances of any class or description specified in the order: Provided that no such order shall come into operation before the expiry of the ^{M1}Import, Export and Customs Powers (Defence) Act 1939.
- (2) If any radioactive substances are imported, exported, carried coastwise or shipped as ships' stores in contravention of any such order or are brought to any quay or other place, or waterborne, for the purpose of being exported or of being so carried

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Radioactive Substances Act 1948. (See end of Document for details)

or shipped in contravention of any such order, those goods shall be deemed to be prohibited goods and shall be forfeited; and the exporter of the goods or his agent, or the shipper of the goods, shall be liable, in addition to any other penalty under the [F2enactments for the time being in force relating to customs or excise], to a customs penalty of five hundred pounds.

(3) For the purposes of this section, the Isle of Man shall be deemed to form part of the United Kingdom, and this section shall be construed as one with the [F3M2Customs and Excise Management Act 1979].

Textual Amendments

F2 Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), [Sch. 4 para. 12](#) Table Pt. I

F3 Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 177(1), [Sch. 4 para. 12](#) Table Pt. I

Marginal Citations

M1 1939 c. 69.

M2 1979 c. 2.

3 F4

Textual Amendments

F4 Ss. 3, 4 repealed by [Medicines Act 1968 \(c. 67, SIF 84\)](#), [Sch. 6](#)

4 F5

Textual Amendments

F5 Ss. 3, 4 repealed by [Medicines Act 1968 \(c. 67, SIF 84\)](#), [Sch. 6](#)

5 Safety regulations for occupations involving radioactive substances and irradiating apparatus.

(1) The appropriate Minister may, as respects any class or description of premises or places specified in the regulations, being premises or places in which radioactive substances are manufactured, produced, treated, stored or used or irradiating apparatus is used, make such provision by regulations as appears to the Minister to be necessary—

- (a) to prevent injury being caused by ionising radiations to the health of persons employed at those premises or places or other persons; or
- (b) to secure that any radioactive waste products resulting from such manufacture, production, treatment, storage or use as aforesaid are disposed of safely;

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Radioactive Substances Act 1948. (See end of Document for details)

and the regulations may, in particular and without prejudice to the generality of this subsection, provide for imposing requirements as to the erection or structural alteration of buildings or the carrying out of works.

- (2) The appropriate Minister may, as respects the transport of any radioactive substances, make such regulations as appear to him to be necessary to prevent injury being caused by such transport to the health of persons engaged therein and other persons.
- (3) Regulations made under this section may provide for imposing requirements, prohibitions and restrictions on employers, employed persons and other persons.
- (4) Any person who contravenes or fails to comply with any regulation made under this section or any requirement, prohibition or restriction imposed under any such regulation shall be guilty of an offence.
- (5) F6
- (6) In this section the expression “the appropriate Minister” means such Minister, or such Ministers acting jointly, as may be designated by Order in Council, and different Ministers may be designated, for the purposes of subsection (1) of this section, for different classes or descriptions of premises or places and, for the purposes of subsection (2) of this section, for different forms of transport or for the transport of different classes or descriptions of substances.
- (7) This section shall be without prejudice to the provisions of the ^{M3}Factories Act 1937, as amended by any subsequent enactment.

Textual Amendments

F6 Ss. 5(5), 6 repealed by Radiological Protection Act 1970 (c. 46), Sch. 2

Modifications etc. (not altering text)

- C3 S. 5: by S. I. 1974/1821, reg. 2 it is provided that section 5 shall have effect, in its application to Great Britain, as if paragraph (a) of subsection (1) and subsection (7) were omitted
- C4 S. 5(1)(a) excluded (N. I.) by S. I. 1978/1039 (N. I. 9), arts. 2(2), 39, Sch. 1
- C5 S. 5(1)(a) amended by S.I. 1988/1222, regs. 3, 4
- C6 S. 5(1)(a) amended by S.I. 1990/1380, arts. 3, 4

Marginal Citations

M3 1937 c. 67.

6 F7

Textual Amendments

F7 Ss. 5(5), 6 repealed by Radiological Protection Act 1970 (c. 46), Sch. 2

7 Power of entry and inspection.

- (1) Any person authorised by the appropriate Minister to act under this section shall, on producing, if so required, a duly authenticated document showing his authority,

Status: Point in time view as at 01/02/1991.

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have a right to enter at all reasonable hours any premises (other than premises wholly or mainly used for residential purposes) or any vehicle, vessel or aircraft, for the purpose of ascertaining whether there has been committed, or is being committed, in or in connection with the premises, vehicle, vessel, or aircraft an offence under any provision of this Act except section two.

- (2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing by a person authorised as aforesaid—
- (a) that the exercise of the right conferred by the preceding subsection has been refused or, in the case of premises wholly or mainly used for residential purposes, that a request for admission has been refused, or that the case is one of urgency or that an application or request for admission would defeat the object of the entry; and
 - (b) that there are reasonable grounds for suspecting that an offence under any provision of this Act (except section two) has been or is being committed in or in connection with the premises, vehicle, vessel or aircraft in question;
- the justice may by warrant under his hand authorise that person and any other person named in the warrant and any constable to enter and search any premises, vehicle, vessel or aircraft, if need be by force.
- (3) Every warrant granted under this section shall continue in force until the purpose for which it was granted has been satisfied.
- (4) If any person wilfully obstructs any person exercising powers under this section, he shall be guilty of an offence.
- (5) If any person discloses any information obtained by means of the exercise of powers under this section, being information with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in accordance with the directions of the appropriate Minister or for the purpose of proceedings for an offence under this Act or any report of those proceedings, be guilty of an offence.
- (6) In this section the expression “the appropriate Minister” means, in relation to the exercise of powers for enforcing any section of this Act, the appropriate Minister within the meaning of that section.

Modifications etc. (not altering text)

C7 In S. 7(4) by [S.I. 1984/703 \(N.I. 3\)](#), [art. 7\(2\)](#), [Sch. 3](#) it is provided that the Act shall have effect as if the maximum fine that may be imposed on conviction of any offence mentioned in section 7(4) (obstruction of inspectors) were a fine not exceeding £500 instead of a fine not exceeding £100 (as amended by [art. 9 of S.I. 1984/703 \(N.I. 3\)](#)) and by virtue of [art. 5 of S.I. 1984/703](#) it is provided that a reference to level 4 on the standard scale shall be substituted for such reference to £500

8 Offences and penalties.

- (1) Any person guilty of an offence under subsection (4) of the last preceding section shall be liable, on summary conviction, to a fine not exceeding [^{F8}twenty pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds][^{F8}level 4 on the standard scale].
- (2) Any person guilty of an offence under subsection (5) of the last preceding section shall—

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Radioactive Substances Act 1948. (See end of Document for details)

- (a) on summary conviction, be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment; or
 - (b) on conviction on indictment, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.
- (3) Any person guilty of an offence under any other provision of this Act shall be liable, on summary conviction, to a fine not exceeding [F9 one hundred pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds][F9 level 4 on the standard scale] or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (4) If the act or omission constituting an offence under any provision of this Act in respect of which a person is convicted is continued after conviction, he shall be guilty of a further offence and may, on summary conviction, be punished accordingly.
- (5) Where an offence under any provision of this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.
- (6) The court by which any person is convicted of an offence under any provision of this Act in respect of any substances or apparatus may order that the substances or apparatus shall be forfeited to the Crown.
- (7) Nothing in this section shall apply to offences arising under section two of this Act.

Textual Amendments

- F8** “level 4 on the standard scale” substituted (S.) for from “twenty pounds” to the end by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289H, [Sch. 7D](#)
- F9** “level 4 on the standard scale” substituted (S.) for from “one hundred pounds” where first occurring to “one hundred pounds” where secondly occurring by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289H, [Sch. 7D](#)

Modifications etc. (not altering text)

- C8** In S. 8(1): [Criminal Justice Act 1982 \(c. 48 SIF 39:1\)](#), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)
- C9** In S. 8(1) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 39(2), 46, [Sch. 3](#) it is provided (E. W.) that section 8(1) shall have effect as if the maximum fine that may be imposed on conviction of any offence under section 7(4) were a fine not exceeding £500 instead of a fine not exceeding £100 and by s. 46 of the 1982 Act it is provided that a reference to level 4 on the standard scale shall be substituted for that reference to £500
- C10** [S. 8\(1\): S. I. 1984/703 \(N.I. 3\)](#), [art. 9](#) (in relation to liability on first and subsequent convictions), art. 6 (increase of fines) and art. 5 (substitution of references to levels on the standard scale) apply (N. I.)
- C11** [S. 8\(3\): Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E. W.)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Radioactive Substances Act 1948. (See end of Document for details)

- C12** In s. 8(3) by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 39(2), 46, [Sch. 3](#) it is provided (E. W.) that section 8(3) shall have effect as if the maximum fine that may be imposed on conviction of any offence under the Act (other than under s. 7(4)) were a fine not exceeding £500 instead of a fine not exceeding £100 and by s. 46 of the 1982 Act it is provided that a reference to level 4 on the standard scale shall be substituted for that reference to £500
- C13** In s. 8(3) by [S. I. 1984/703 \(N. I. 3\)](#), art. 7(2), [Sch. 3](#) it is provided that the Act shall have effect as if the maximum fine that may be imposed on conviction of any offence mentioned in section 8(3) were a fine not exceeding £500 instead of a fine not exceeding £100 and by virtue of art. 5 of [S. I. 1984/703](#) it is provided that a reference to level 4 on the standard scale shall be substituted for such reference to £500

9 Regulations and orders.

- (1) Any power conferred by this Act to make regulations or orders shall be exercisable by statutory instrument and any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Before any regulations are made under this Act, the Minister or Ministers making the regulations shall publish in the Gazette and in such other manner as he or they may think best adapted for informing persons affected notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (not being less than twenty-eight days) and the manner in which objection may be made to the regulations.
- (3) If any objection is duly made and is not withdrawn, the said Minister or Ministers shall, before making the regulations, either cause a public inquiry to be held or afford to any person by whom any objection has been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by the said Minister or Ministers for the purpose, and shall consider the objection and the report of the person who held the inquiry or the person appointed as aforesaid before making the regulations.
- (4) Notice of any such inquiry as aforesaid shall be given in such manner as appears to the said Minister or Ministers to be appropriate for the purpose of informing the persons affected, and the provisions of subsections (2), (3) and (5) of section two hundred and ninety of the ^{M4}Local Government Act 1933 (which relate to evidence and costs) shall apply in relation to any such inquiry as if for any reference therein to the department there were substituted a reference to the said Minister or Ministers.

Marginal Citations

M4 1933 c. 51.

10 Power to revoke or vary Orders in Council and orders. **U.K.**

Any Order in Council or order made under this Act may be revoked or varied by a subsequent Order in Council or order made in like manner and subject to the like conditions.

Status: Point in time view as at 01/02/1991.

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11 Expenses of Ministers.

Any expenses incurred by the Minister of Supply in the exercise of functions under this Act and any administrative expenses incurred by any Minister of the Crown or Government department under or by virtue of this Act, shall be defrayed out of moneys provided by Parliament.

12 Interpretation.

In this Act, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

- F10
- “the Gazette” means, in relation to regulations which have effect in England and Wales only, the London Gazette, and, in relation to regulations which have effect in Scotland only, the Edinburgh Gazette, and, in relation to regulations which have effect in Great Britain, both those Gazettes;
- “radioactive substance” means any substance which consists of or contains any radioactive chemical element, whether natural or artificial;
- “registered dental practitioner” means a person registered in the dentists register under the Dentists Acts 1878 to 1923;
- “registered pharmacist” means a person registered in the register of pharmaceutical chemists . . . F11;
- “sale by way of wholesale dealing” means sale to a person who buys for the purpose of selling again;
- “substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour, and also includes any manufactured article or article which has been subjected to any artificial treatment or process.
- [F12and in this Act references to Wales include, and references to England do not include, Monmouthshire]

Textual Amendments

- F10 Definition repealed by [Medicines Act 1968 \(c. 67\), s. 136\(3\), Sch. 6](#)
- F11 Words repealed by [Pharmacy Act 1953 \(c. 19\), Sch. 2 Pt. II](#)
- F12 Words added by [S.I. 1969/388](#)

13 Application to Scotland.

In the application of this Act to Scotland—

- (a) for any reference to a justice of the peace there shall be substituted a reference to the sheriff; and
- (b) the provisions of subsections (4) to (7) and subsection (9) of section three hundred and fifty-five of the ^{M5}Local Government (Scotland) Act 1947 shall apply to any inquiry held in Scotland under section nine of this Act in lieu of the provisions mentioned in subsection (4) of that section.

Marginal Citations

- M5 [1947 c. 43.](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Radioactive Substances Act 1948. (See end of Document for details)

14 Application to Northern Ireland.

- (1) Subject to the provisions of this section this Act extends to Northern Ireland.
- (2) In the application of this Act to Northern Ireland the following provisions of this subsection shall have effect, that is to say:—
 - (a) in sections three and eleven, the expression “Government department” shall be construed as including a department of the Government of Northern Ireland;
 - (b) in section five, for the definition of “the appropriate Minister” the following definition shall be substituted—

““the appropriate Minister means such department of the Government of Northern Ireland as may be designated by Order in Council made by the Governor of Northern Ireland by virtue of section four of the Ministries Act (Northern Ireland) 1944 and different departments may be designated, for the purposes of subsection (1) of this section, for different classes or descriptions of premises or places and, for the purposes of subsection (2) of this section, for different forms of transport or for the transport of different classes or descriptions of substances;””

and the reference in subsection (7) of that section to the provisions of the ^{M6}Factories Act 1937, as amended by any subsequent enactment shall be construed as a reference to the enactments of the Parliament of Northern Ireland for the time being in force corresponding to those provisions;

- (c) in subsection (2) of section seven, for the reference to a justice of the peace there shall be substituted a reference to a resident magistrate within the meaning of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935;
- (d) ^{F13}
- (e) the following section shall have effect in lieu of section nine—

“All regulations and orders made by the Ministry of Health and Local Government for Northern Ireland under this Act shall be laid before each House of the Parliament of Northern Ireland, and if either such House within the statutory period next after any such regulations are laid before it resolves that the regulations be annulled, the regulations shall cease to have effect, but without prejudice to anything done thereunder or to the making of new regulations.

In this section the expression “statutory period” means a period comprising five days at least on which the Senate or the House of Commons (as the case may require) has sat, but not being in any case shorter in duration than ten days, such days being reckoned without regard to the question whether they are comprised in one or in more than one Session of Parliament”;

- (f) in section twelve, for the definitions of “authorised seller of poisons” and “registered pharmacists” there shall be substituted the following definitions:

““authorised seller of poisons” has the meaning assigned to it by the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945, as amended by any other enactment of the Parliament of Northern Ireland;

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Radioactive Substances Act 1948. (See end of Document for details)

“registered pharmacist” means a person registered in the register of pharmaceutical chemists in pursuance of the Pharmacy and Poisons Acts (Northern Ireland) 1925 and 1945 or any enactment of the Parliament of Northern Ireland amending those Acts”.

Textual Amendments

F13 S. 14(2)*d* repealed by [Northern Ireland Act 1962 \(c. 30\)](#), s. 30(2), **Sch. 4 Pt. IV**.

Modifications etc. (not altering text)

C14 S. 14 functions of the Ministry of Health and Local Government for Northern Ireland now exercisable by the Department of Environment for Northern Ireland: S.R. & O. (N.I.) 1964/205, 1965/13, 1970/332, 1973/504 and [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), s. 4, **Sch. 5 para. 8(1)**

Marginal Citations

M6 1937 c. 67.

15 Short title.

This Act may be cited as the Radioactive Substances Act 1948.

Status:

Point in time view as at 01/02/1991.

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