

SCHEDULE 23

Radioactive substances activities

PART 3

The Basic Safety Standards Directive

SECTION 2

Interventions

Radioactive waste: power of the Secretary of State to provide facilities for disposal or accumulation

3.—(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—

- (a) provide such facilities; or
- (b) make arrangements for their provision by such persons as the Secretary of State may think fit.

(2) Before exercising the power under sub-paragraph (1), the Secretary of State must consult with—

- (a) any local authority in whose area the facilities would be situated; and
- (b) such other public or local authorities (if any) as appear to the Secretary of State to be proper to be consulted.

(3) Reasonable charges for the use of any facilities provided under sub-paragraph (1) may be made by—

- (a) the Secretary of State; or
- (b) the person providing such facilities, unless the arrangements made by the Secretary of State with that person provide to the contrary.

Radioactive waste: power of disposal by the regulator

4.—(1) Sub-paragraph (2) applies if there is radioactive waste on any premises and the regulator is satisfied that the waste ought to be disposed of but it is unlikely that the waste will be lawfully disposed of—

- (a) because the premises are unoccupied;
- (b) because the occupier is absent or insolvent; or
- (c) for any other reason.

(2) The regulator may dispose of the waste and recover any expenses it reasonably incurs in that disposal from—

- (a) the occupier of the premises;
- (b) if the premises are unoccupied, the owner of the premises.

(3) In sub-paragraph (2)—

- (a) “owner” has the same meaning as in section 343 of the Public Health Act 1936(1); and

(1) 1936 c. 49.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) the provisions of section 294 of that Act (which limits the liability of owners who are only agents or trustees) apply but as if reference in that section to a council recovering expenses under that Act were to the regulator recovering expenses under sub-paragraph (2).