



Radioactive Substances Act 1993

1993 CHAPTER 12

Offences

^{F1}[^{F2}32 Offences relating to registration or authorisation.

(1) Any person who—

- (a) contravenes section 6, 9, 13(1), (2) or (3) or 14(1), or
- (b) being a person registered under section 7 or 10, or being (wholly or partly) exempted from registration under either of those sections, does not comply with a limitation or condition subject to which he is so registered or exempted, or
- (c) being a person [^{F3}who holds an authorisation under section 13 or 14], does not comply with a limitation or condition subject to which that authorisation has effect, or
- (d) being a person who is registered under section 7 or 10 or [^{F4}who holds an authorisation under section 13 or 14], fails to comply with any requirement of a notice served on him under section 21 or 22,

shall be guilty of an offence.

(2) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding #20,000 or to imprisonment for a term not exceeding six months, or both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years, or both.

[^{F5}(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.]]

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Textual Amendments

- F1** Ss. 30-46 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5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**)
- F2** S. 32 repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 11(2)(ee), **Sch. 28** (with reg. 1(2), Sch. 4)
- F3** Words in s. 32(1)(c) substituted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 11**; [S.I. 2004/1973](#), art. 2, Sch.
- F4** Words in s. 32(1)(d) substituted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 11**; [S.I. 2004/1973](#), art. 2, Sch.
- F5** S. 32(3) added (E.W.S.) (1.4.1996) by [1995 c. 25](#), s. 120(1), **Sch. 22 para. 219** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**

^{F1}[^{F6}**33 Offences relating to ss. 19 and 20.**

- (1) Any person who contravenes section 19 shall be guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (2) Any person who without reasonable cause pulls down, injures or defaces any document posted in pursuance of section 19 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (3) Any person who fails to comply with a requirement imposed on him under section 20 shall be guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or both;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.]

Textual Amendments

- F1** 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**)
- F6** S. 33 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)(ff), **Sch. 28** (with reg. 1(2), Sch. 4)

^{F1}[^{F7}**34 Disclosure of trade secrets.**

- (1) If any person discloses any information relating to any relevant process or trade secret used in carrying on any particular undertaking which has been given to or obtained by him under this Act or in connection with the execution of this Act, he shall be guilty of an offence, unless the disclosure is made—
 - (a) with the consent of the person carrying on that undertaking, or
 - (b) in accordance with any general or special directions given by the Secretary of State, or

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- [^{F8}(bb) under or by virtue of section 113 of the Environment Act 1995, or]
- (c) in connection with the execution of this Act, or
 - (d) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings.
- (2) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or both;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.
- (3) In this section “relevant process” means any process applied for the purposes of, or in connection with, the production or use of radioactive material.
- (4) In the application of this section to Northern Ireland, the reference in subsection (1) (b) to the Secretary of State shall have effect as a reference to the Department of the Environment for Northern Ireland.]

Textual Amendments

- F1** 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**)
- F7** S. 34 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)(gg), **Sch. 28** (with reg. 1(2), Sch. 4)
- F8** S. 34(1)(bb) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 220** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**

^{F1}^{F9}^{F10} **Offences of making false or misleading statements or false entries.**

- (1) Any person who—
- (a) for the purpose of obtaining for himself or another any registration under section 7 or 10, any authorisation under section 13 or 14 [^{F11}, any transfer of such an authorisation under section 16A] or any variation of such an authorisation under section 17, or
 - (b) in purported compliance with a requirement to furnish information imposed under section 31(1)(d),
- makes a statement which he knows to be false or misleading in a material particular, or recklessly makes a statement which is false or misleading in a material particular, shall be guilty of an offence.
- (2) Any person who intentionally makes a false entry in any record—
- (a) which is required to be kept by virtue of a registration under section 7 or 10 [^{F12}, an authorisation under section 13 or 14 or a transfer under section 16A], or
 - (b) which is kept in purported compliance with a condition which must be complied with if a person is to have the benefit of an exemption under section 8, 11 or 15,
- shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable—

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- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.]]

Textual Amendments

- F1** 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**)
- F9** S. 34A inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 112, **Sch. 19 para. 6** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**
- F10** S. 34A 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)(hh), **Sch. 28** (with reg. 1(2), Sch. 4)
- F11** Words in s. 34A(1)(a) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 12(a)**; [S.I. 2004/1973](#), art. 2, Sch.
- F12** Words in s. 34A(2)(a) substituted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 12(b)**; [S.I. 2004/1973](#), art. 2, Sch.

[^{F13}35 Obstruction.

- (1) Any person who—
 - (a) intentionally obstructs an inspector or other person in the exercise of any powers conferred by section 31, or
 - (b) refuses or without reasonable excuse fails to provide facilities or assistance or any information or to permit any inspection reasonably required by an inspector or other person under that section,
 shall be guilty of an offence.
- (2) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.]

Textual Amendments

- F13** S. 35 repealed (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 221, **Sch. 24** (with ss. 7(6), 115, 117); [S.I. 1996/186](#), **art. 3**

^{F1}[^{F14}36 Offences by bodies corporate.

- (1) Where a body corporate is guilty of an offence under this Act, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.
- (2) In this section “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or

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part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.]

Textual Amendments

- F1** 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**)
- F14** S. 36 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)(ii), **Sch. 28** (with reg. 1(2), Sch. 4)

^{F1}[^{F15}37 Offence due to another’s fault.

Where the commission by any person of an offence under this Act is due to the act or default of some other person, that other person may by virtue of this section be charged with and convicted of the offence whether or not proceedings for the offence are taken against the first-mentioned person.]

Textual Amendments

- F1** 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**)
- F15** S. 37 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)(jj), **Sch. 28** (with reg. 1(2), Sch. 4)

^{F1}[^{F16}38 Restriction on prosecutions.

- (1) Proceedings in respect of any offence under this Act shall not be instituted in England or Wales except—
 - (a) by the Secretary of State,
 - ^{F17}(b) by the Environment Agency, or]
 - (c) by or with the consent of the Director of Public Prosecutions.
- (2) Proceedings in respect of any offence under this Act shall not be instituted in Northern Ireland except—
 - (a) by the head of the Department of the Environment for Northern Ireland, or
 - (b) by or with the consent of the Attorney General for Northern Ireland.

^{F18}(3)]

Textual Amendments

- F1** 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**)

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- F16** S. 38 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)(kk), **Sch. 28** (with reg. 1(2), Sch. 4)
- F17** S. 38(1)(b) substituted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 222** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F18** S. 38(3) repealed (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 13**; S.R. 2010/113, art. 2, Sch. para. 21(p)

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