

Status: This is the original version (as it was originally enacted).

SCHEDULE 1

Section 1.

SPECIFIED ELEMENTS

<i>Element</i>	<i>Becquerels per gram (Bq g⁻¹)</i>		
	<i>Solid</i>	<i>Liquid</i>	<i>Gas or Vapour</i>
1. Actinium	0.37	7.40×10^{-2}	2.59×10^{-6}
2. Lead	0.74	3.70×10^{-3}	1.11×10^{-4}
3. Polonium	0.37	2.59×10^{-2}	2.22×10^{-4}
4. Protoactinium	0.37	3.33×10^{-2}	1.11×10^{-6}
5. Radium	0.37	3.70×10^{-4}	3.70×10^{-5}
6. Radon	—	—	3.70×10^{-2}
7. Thorium	2.59	3.70×10^{-2}	2.22×10^{-5}
8. Uranium	11.1	0.74	7.40×10^{-5}

SCHEDULE 2

Section 31.

EXERCISE OF RIGHTS OF ENTRY AND INSPECTION

- 1 A person entering upon any premises in the exercise of any power conferred by this Act shall, if so required, produce written evidence of his authority before entering.
- 2 Where it is shown to the satisfaction of a justice of the peace, on sworn information in writing, that admission to premises specified in the information is reasonably required by a person for the purpose of exercising a power conferred by this Act in respect of the premises, the justice, subject to paragraph 3, may by warrant under his hand authorise that person to enter upon the premises.
- 3 A justice of the peace shall not grant a warrant under paragraph 2 unless he is satisfied—
 - (a) that admission to the premises for the purpose of exercising the power in question was sought—
 - (i) in the case of premises to which section 31(1) applies, after not less than twenty-four hours' notice of the intended entry had been given to the occupier, or
 - (ii) in the case of any other premises, after not less than seven days' notice of the intended entry had been so given, or
 - (b) that admission to the premises for that purpose was sought in a case of emergency and was refused by or on behalf of the occupier, or
 - (c) that the premises are unoccupied, or
 - (d) that an application for admission would defeat the object of the entry.
- 4 Every warrant granted under this Schedule shall remain in force until the purpose for which the entry is required has been satisfied.

- 5 Any person who, in the exercise of a power conferred by this Act, enters any premises which are unoccupied, or of which the occupier is temporarily absent, shall leave the premises as effectually secured against unauthorised entry as he found them.
- 6 Before a person carries out any test on any premises, in the exercise of any power conferred by this Act, he shall consult with such persons having duties on the premises as may appear to him to be appropriate in order to secure that the carrying out of the test does not create any danger.
- 7 Any power of entry conferred by this Act shall, if exercised under the authority of a warrant granted under this Schedule or in a case of emergency, but not in any other case, include power to enter, if need be, by force.
- 8 Any power of entry, or of carrying out tests or inspections, or of obtaining or taking away samples, conferred on any person by this Act may be exercised by him either alone or together with any other persons.
- 9 In this Schedule any reference to a case of emergency shall be construed in accordance with section 31(11).
- 10 This Schedule shall have effect in relation to Scotland with the substitution for any reference to a justice of the peace of a reference to the sheriff.

SCHEDULE 3

Section 40.

ENACTMENTS, OTHER THAN LOCAL ENACTMENTS, TO WHICH S. 40 APPLIES

PART I

ENGLAND AND WALES

- 1 Sections 48, 81, 82, 141, 259 and 261 of the Public Health Act 1936.
- 2 Section 10 of the Clean Air Act 1956.
- 3 Section 5 of the Sea Fisheries Regulation Act 1966.
- 4 Section 4 of the Salmon and Freshwater Fisheries Act 1975.
- 5 Section 59 of the Building Act 1984.
- 6 The Planning (Hazardous Substances) Act 1990.
- 7 Part III of the Environmental Protection Act 1990.
- 8 Sections 72, 111 and 113(6) and Chapter III of Part IV of the Water Industry Act 1991 and paragraphs 2 to 4 of Schedule 8 to that Act so far as they re-enact provisions of sections 43 and 44 of the Control of Pollution Act 1974.
- 9 Sections 82, 84, 85, 86, 87(1), 88(2), 92, 93, 99, 161, 190, 202, 203 and 213 of and paragraph 6 of Schedule 25 to the Water Resources Act 1991.
- 10 Section 18 of the Water Act 1945 so far as it continues to have effect by virtue of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 or by virtue of provisions of the Control of Pollution Act 1974 not having been brought into force.

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PART II

SCOTLAND

- 11 Sections 16, 17, 32, 41, 42 and 116 of the Public Health (Scotland) Act 1897.
- 12 Sections 10 and 16 of the Clean Air Act 1956.
- 13 The Sewerage (Scotland) Act 1968.
- 14 Sections 56A to 56N and 97B of the Town and Country Planning (Scotland) Act 1972.
- 15 Section 201 of the Local Government (Scotland) Act 1973.
- 16 Sections 30A, 30B, 30D, 31(1) to (5) and (7) to (10), 31A, 32, 34 to 42, 46, 53, 55 and 56(1) to (4) of the Control of Pollution Act 1974.
- 17 Sections 70, 71 and 75 of the Water (Scotland) Act 1980.

PART III

NORTHERN IRELAND

- 18 Sections 50, 51, 58, 107 and 129 of the Public Health (Ireland) Act 1878.
- 19 Section 26 of the Public Health Acts Amendment Act 1890.
- 20 Sections 35, 46, 49 and 51 of the Public Health Acts Amendment Act 1907.
- 21 Sections 26, 47 and 124 of the Fisheries Act (Northern Ireland) 1966.
- 22 Sections 5, 7 and 8 of the Water Act (Northern Ireland) 1972.
- 23 Article 34 of the Water and Sewerage Services (Northern Ireland) Order 1973.
- 24 The Clean Air (Northern Ireland) Order 1981.
- 25 The Pollution Control (Special Waste) Regulations (Northern Ireland) 1981.

SCHEDULE 4

Section 49(1).

CONSEQUENTIAL AMENDMENTS

The Continental Shelf Act 1964 (c. 29)

- 1 In section 7 of the Continental Shelf Act 1964, for “Radioactive Substances Act 1960” there is substituted “Radioactive Substances Act 1993”.

The Nuclear Installations Act 1965 (c. 57)

- 2 In section 4(1)(d) of the Nuclear Installations Act 1965, for “sections 6 and 8 of the Radioactive Substances Act 1960” there is substituted “sections 13 and 16 of the Radioactive Substances Act 1993”.

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The Control of Pollution Act 1974 (c. 40)

- 3 In section 56(6) of the Control of Pollution Act 1974, for “Radioactive Substances Act 1960” (in both places) there is substituted “Radioactive Substances Act 1993”.

The Pollution Control and Local Government (Northern Ireland) Order 1978 (S.I. 1978/1049 (N.I. 19))

- 4 In article 36(4) of the Pollution Control and Local Government (Northern Ireland) Order 1978—
- (a) for “Radioactive Substances Act 1960” there is substituted “Radioactive Substances Act 1993”, and
 - (b) in paragraph (b) for “1960” there is substituted “1993”.

The Atomic Energy (Miscellaneous Provisions) Act 1981 (c. 48)

- 5 In section 4(1) of the Atomic Energy (Miscellaneous Provisions) Act 1981, in the definition of “radioactive substance”, for “has the same meaning as in section 12 of the Radioactive Substances Act 1948” there is substituted “means any substance which consists of or contains any radioactive chemical element, whether natural or artificial”.

The Environmental Protection Act 1990 (c. 43)

- 6 In section 28(2) of the Environmental Protection Act 1990, for “Radioactive Substances Act 1960” there is substituted “Radioactive Substances Act 1993”.
- 7 In section 78 of that Act, for “Radioactive Substances Act 1960” (in both places) there is substituted “Radioactive Substances Act 1993”.
- 8 In section 142(7) of that Act, for “the Radioactive Substances Act 1960” there is substituted “the Radioactive Substances Act 1993”.
- 9 In section 156 of that Act, for “Radioactive Substances Act 1960” there is substituted “Radioactive Substances Act 1993”.

The Atomic Weapons Establishment Act 1991 (c. 46)

- 10 After paragraph 10 of the Schedule to the Atomic Weapons Establishment Act 1991 there is inserted—

“Radioactive Substances Act 1993

- 10A (1) For the purposes of the Radioactive Substances Act 1993, so far as relating to authorisations required under section 13(1) of that Act for the disposal of radioactive waste, a relevant site in designated premises shall be treated as a site in respect of which a nuclear site licence is for the time being in force.
- (2) For the purposes of sub-paragraph (1) above, “relevant site” means a site used by a contractor for the purposes of any activity which would, if section 1 of the Nuclear Installations Act 1965 applied to the site, require a nuclear site licence.”

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The Water Resources Act 1991 (c. 57)

- 11 In section 98 of the Water Resources Act 1991—
- (a) in subsection (1), for “Radioactive Substances Act 1960” there is substituted “Radioactive Substances Act 1993”, and
 - (b) in subsection (2)(b) for “1960” there is substituted “1993”.

SCHEDULE 5

Section 49(2).

TRANSITIONAL AND TRANSITORY PROVISIONS

PART I

GENERAL TRANSITIONAL PROVISIONS AND SAVINGS

- 1 The substitution of this Act for the enactments repealed by this Act does not affect the continuity of the law.
- 2 Any reference, whether express or implied, in this Act or any other enactment, instrument or document to a provision of this Act shall, so far as the context permits, be construed as including, in relation to the times, circumstances and purposes in relation to which the corresponding provision of the enactments repealed by this Act has effect, a reference to that corresponding provision.
- 3 Any document made, served or issued after the commencement of this Act which contains a reference to any of the enactments repealed by this Act shall be construed, except so far as a contrary intention appears, as referring or, as the case may require, including a reference to the corresponding provision of this Act.
- 4 Paragraphs 2 and 3 have effect without prejudice to the operation of sections 16 and 17 of the Interpretation Act 1978 (which relate to the effect of repeals).
- 5 The power to amend or revoke the subordinate legislation reproduced in the definition of “local authority” in section 47(1) shall be exercisable in relation to the provision reproduced to the same extent as it was exercisable in relation to the subordinate legislation.
- 6 Subsection (1) of section 80 of the Health and Safety at Work etc. Act 1974 (general power to repeal or modify Acts or instruments) shall apply to provisions of this Act which re-enact provisions previously contained in the Radioactive Substances Act 1960 as it applies to provisions contained in Acts passed before the Health and Safety at Work etc. Act 1974.
- 7 In the application of paragraph 6 to Northern Ireland[^]
- (a) the reference to subsection (1) of section 80 of the Health and Safety at Work etc. Act 1974 shall have effect as a reference to paragraph (1) of Article 54 of the Health and Safety at Work (Northern Ireland) Order 1978, and
 - (b) the reference to Acts passed before that Act shall have effect as a reference to statutory provisions passed or made before the making of that Order.

Status: This is the original version (as it was originally enacted).

PART II

TRANSITORY MODIFICATIONS OF SCHEDULE 3

- 8 (1) If—
- (a) no date has been appointed before the commencement of this Act as the date on which paragraph 8 of Schedule 15 of the Environmental Protection Act 1990 (in this paragraph referred to as “the 1990 provision”) is to come into force, or
 - (b) a date has been appointed which is later than that commencement, paragraph 7 of Schedule 3 to this Act shall be omitted until the appointed day.
- (2) In this paragraph “the appointed day” means—
- (a) in the case mentioned in paragraph (a) of sub-paragraph (1) above, such day as may be appointed by the Secretary of State by order, and
 - (b) in the case mentioned in paragraph (b) of that sub-paragraph, the date appointed as the day on which the 1990 provision is to come into force.
- 9 (1) If—
- (a) no date has been appointed before the commencement of this Act as the date on which the repeal by Schedule 4 to the Control of Pollution Act 1974 of the provisions of the Radioactive Substances Act 1960 specified in sub-paragraph (2) below (in this paragraph referred to as “the 1974 repeal”) is to come into force, or
 - (b) a date has been appointed which is later than that commencement, Schedule 3 to this Act shall have effect until the appointed day with the modifications specified in sub-paragraph (3) below.
- (2) The provisions of the Radioactive Substances Act 1960 referred to in sub-paragraph (1)(a) above are—
- (a) in paragraph 3 of Schedule 1, the words “seventy-nine”, and
 - (b) paragraph 8A of Schedule 1.
- (3) The modifications of Schedule 3 to this Act referred to in sub-paragraph (1) above are as follows—
- (a) in paragraph 1 after “48” there shall be inserted “79”, and
 - (b) after paragraph 2 there shall be inserted—

“2A Sections 2, 5 and 7 of the Rivers (Prevention of Pollution) Act 1961.”
- (4) In this paragraph “the appointed day” means—
- (a) in the case mentioned in paragraph (a) of sub-paragraph (1) above, such day as may be appointed by the Secretary of State by order, and
 - (b) in the case mentioned in paragraph (b) of that sub-paragraph, the date appointed as the day on which the 1974 repeal is to come into force.
- 10 (1) If—
- (a) no date has been appointed before the commencement of this Act for the purposes of paragraph 17 of Schedule 4 to the Planning (Consequential Provisions) Act 1990, or
 - (b) a date has been appointed which is later than that commencement, paragraph 6 of Schedule 3 to this Act shall be omitted until the appointed day.

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- (2) In this paragraph “the appointed day” means—
- (a) in the case mentioned in paragraph (a) of sub-paragraph (1) above, such day as may be appointed by the Secretary of State by order, and
 - (b) in the case mentioned in paragraph (b) of that sub-paragraph, the date appointed for the purposes of paragraph 17 of Schedule 4 to the Planning (Consequential Provisions) Act 1990.
- 11 Until the commencement of the repeal by Part II of Schedule 16 to the Environmental Protection Act 1990 of subsection (5) of section 30 of the Control of Pollution Act 1974 (or, if the repeal of that subsection comes into force on different days, until the last of those days) Schedule 3 to this Act shall have effect—
- (a) with the insertion after paragraph 4 of the following paragraph—

“4B The Control of Pollution (Special Waste) Regulations 1980.”,
and
 - (b) with the insertion after paragraph 17 of the following paragraph—

“17A The Control of Pollution (Special Waste) Regulations 1980.”
- 12 Until the commencement of the repeal by Part II of Schedule 16 to the Environmental Protection Act 1990 of section 124 of the Civic Government (Scotland) Act 1982 (or, if the repeal of that section comes into force on different days, until the last of those days) Schedule 3 to this Act shall have effect with the insertion at the end of Part II of the following paragraph—
- “17B Section 124 of the Civic Government (Scotland) Act 1982.”

SCHEDULE 6

Section 50.

REPEALS AND REVOCATIONS

PART I

ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
11 & 12 Geo. 6 c. 37.	The Radioactive Substances Act 1948.	The whole Act so far as unrepealed.
8 & 9 Eliz. 2 c. 34.	The Radioactive Substances Act 1960.	The whole Act.
1968 c. 47.	The Sewerage (Scotland) Act 1968.	In Schedule 1, paragraph 4.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 27, in Part II, paragraph 144.
1979 c. 2.	The Customs and Excise Management Act 1979.	In Schedule 4, in Part I of the Table following paragraph

Note: Except as provided in Part II of this Schedule, the repeal of the Radioactive Substances Act 1948 does not extend to Northern Ireland.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		12, the entry relating to the Radioactive Substances Act 1948.
1980 c. 45.	The Water (Scotland) Act 1980.	In Schedule 10, in Part II, the entry relating to the Radioactive Substances Act 1960.
1984 c. 55.	The Building Act 1984.	In Schedule 6, paragraph 7.
1986 c. 63.	The Housing and Planning Act 1986.	In Part II of Schedule 7, paragraph 1.
1989 c. 15.	The Water Act 1989.	In Schedule 25, paragraph 27.
1990 c. 11.	The Planning (Consequential Provisions) Act 1990.	In Schedule 2, paragraph 7. In Schedule 4, paragraph 17 and the entry relating to it in the Table in paragraph 1(1).
1990 c. 43.	The Environmental Protection Act 1990.	Sections 100 to 105. Schedule 5. In Schedule 15, paragraph 8.
1991 c. 46.	The Atomic Weapons Establishment Act 1991.	In the Schedule, paragraph 5.
1991 c. 60.	The Water Consolidation (Consequential Provisions) Act 1991.	In Schedule 1, paragraph 9.

Note: Except as provided in Part II of this Schedule, the repeal of the Radioactive Substances Act 1948 does not extend to Northern Ireland.

PART II

REPEALS IN RADIOACTIVE SUBSTANCES ACT 1948 EXTENDING TO NORTHERN IRELAND

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
11 & 12 Geo. 6 c. 37.	The Radioactive Substances Act 1948.	Section 2. Section 5(1)(b). In section 7, in subsection (1), the words “except section two” and in subsection (2)(b), the words “(except section two)”. Section 8(7). In section 9(1), the words “or orders”.

Note: These repeals extend to Northern Ireland only.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		In section 10, the words “or order” in both places.
		In section 11, the words from the beginning to “under this Act and”.
		In section 12, the definitions of “registered dental practitioner”, “registered pharmacist” and “sale by way of wholesale dealing”.
		Section 14(2)(f).

Note: These repeals extend to Northern Ireland only.

PART III

NORTHERN IRELAND LEGISLATION

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
1966 c. 17 (N.I.).	The Fisheries Act (Northern Ireland) 1966.	In Schedule 7, the amendments of the Radioactive Substances Act 1960.
1972 c. 5 (N.I.).	The Water Act (Northern Ireland) 1972.	Section 31(1).
S.I. 1973/70 (N.I. 2).	The Water and Sewerage Services (Northern Ireland) Order 1973.	In Schedule 3, paragraph 1.
S.I. 1978/1049 (N.I. 19).	The Pollution Control and Local Government (Northern Ireland) Order 1978.	In Schedule 4, paragraph 5.

PART IV

SUBORDINATE LEGISLATION

<i>Number</i>	<i>Title</i>	<i>Extent of revocation</i>
S.I. 1974/1821	The Radioactive Substances Act 1948 (Modification) Regulations 1974.	The whole instrument.
S.I. 1980/170	The Control of Pollution (Special Waste) Regulations 1980	Regulation 3(2).

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<i>Number</i>	<i>Title</i>	<i>Extent of revocation</i>
S.R. (N.I.) 1981/252.	The Pollution Control (Special Waste) Regulations (Northern Ireland) 1981.	Regulation 4(2).
S.I. 1985/1884.	The Waste Regulation and Disposal (Authorities) Order 1985.	In Schedule 2, paragraph 2.
S.I. 1991/2539.	The Control of Pollution (Radioactive Waste) (Scotland) Regulations 1991.	Regulation 4.
