



Radioactive Substances Act 1993

1993 CHAPTER 12

Enforcement notices and prohibition notices

^{F1}[^{F2}21 **Enforcement notices.**

- (1) Subject to the provisions of this section, if the chief inspector is of the opinion that a person to whom a registration under section 7 or 10 relates or [^{F3} who holds an authorisation under section 13 or 14]—
 - (a) is failing to comply with any limitation or condition subject to which the registration or authorisation has effect, or
 - (b) is likely to fail to comply with any such limitation or condition,he may serve a notice under this section on that person.
- (2) A notice under this section shall—
 - (a) state that the chief inspector is of that opinion,
 - (b) specify the matters constituting the failure to comply with the limitations or conditions in question or the matters making it likely that such a failure will occur, as the case may be, and
 - (c) specify the steps that must be taken to remedy those matters and the period within which those steps must be taken.
- (3) In the case of an authorisation granted by the chief inspector and the appropriate Minister in accordance with section 16(3), the power to issue notices under this section shall be exercisable by the chief inspector or by that Minister as if references in subsections (1) and (2) to the chief inspector were references to the chief inspector or that Minister.
- (4) Where a notice is served under this section the chief inspector or, where the notice is served by the appropriate Minister, that Minister shall—
 - (a) in the case of a registration, if a certificate relating to the registration was sent to a local authority under section 7(8) or 10(5), or
 - (b) in the case of an authorisation, if a copy of the authorisation was sent to a public or local authority under section 16(9)(b) [^{F4}or 16A(8)(d)],send a copy of the notice to that authority.]

Changes to legislation: Radioactive Substances Act 1993, Cross Heading: Enforcement notices and prohibition notices is up to date with all changes known to be in force on or before 18 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

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- F1** Ss. 1-24 repealed (S.) (1.9.2018) by [The Environmental Authorisations \(Scotland\) Regulations 2018 \(S.S.I. 2018/219\)](#), reg. 1, **sch. 7 para. 1** (with reg. 78, sch. 5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. 21 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)(u), **Sch. 28** (with reg. 1(2), Sch. 4)
- F3** Words in s. 21(1) substituted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 5(1)**; [S.I. 2004/1973](#), art. 2, Sch.
- F4** Words in s. 21(4)(b) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 5(2)**; [S.I. 2004/1973](#), art. 2, Sch.

^{F1}^{F5}22 Prohibition notices.

- (1) Subject to the provisions of this section, if the chief inspector is of the opinion, as respects the keeping or use of radioactive material or of mobile radioactive apparatus, or the disposal or accumulation of radioactive waste, by a person in pursuance of a registration or authorisation under this Act, that the continuing to carry on that activity (or the continuing to do so in a particular manner) involves an imminent risk of pollution of the environment or of harm to human health, he may serve a notice under this section on that person.
- (2) A notice under this section may be served whether or not the manner of carrying on the activity in question complies with any limitations or conditions to which the registration or authorisation in question is subject.
- (3) A notice under this section shall—
 - (a) state the chief inspector's opinion,
 - (b) specify the matters giving rise to the risk involved in the activity, the steps that must be taken to remove the risk and the period within which those steps must be taken, and
 - (c) direct that the registration or authorisation shall, until the notice is withdrawn, wholly or to the extent specified in the notice cease to have effect.
- (4) Where the registration or authorisation is not wholly suspended by the direction given under subsection (3), the direction may specify limitations or conditions to which the registration or authorisation is to be subject until the notice is withdrawn.
- (5) In the case of an authorisation granted by the chief inspector and the appropriate Minister in accordance with section 16(3), the power to issue and withdraw notices under this section shall be exercisable by the chief inspector or by the appropriate Minister as if references in subsections (1) and (3) to the chief inspector were references to the chief inspector or that Minister.
- (6) Where a notice is served under this section the chief inspector or, where the notice is served by the appropriate Minister, that Minister shall—
 - (a) in the case of a registration, if a certificate relating to the registration was sent to a local authority under section 7(8) or 10(5), or
 - (b) in the case of an authorisation, if a copy of the authorisation was sent to a public or local authority under section 16(9)(b) [^{F6}or 16A(8)(d)],
 send a copy of the notice to that authority.

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- (7) The chief inspector or, where the notice was served by the appropriate Minister, that Minister shall, by notice to the recipient, withdraw a notice under this section when he is satisfied that the risk specified in it has been removed; and on so doing he shall send a copy of the withdrawal notice to any public or local authority to whom a copy of the notice under this section was sent.]

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**)
- F5** S. 22 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)(v), **Sch. 28** (with reg. 1(2), Sch. 4)
- F6** Words in s. 22(6) inserted (27.7.2004) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 15 para. 6**; S.I. 2004/1973, art. 2, Sch.

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\(3\)](#)