



# Radioactive Substances Act 1993

## 1993 CHAPTER 12

### *Operation of other statutory provisions*

#### **<sup>F1</sup>[<sup>F2</sup>40 Radioactivity to be disregarded for purposes of certain statutory provisions.**

- (1) For the purposes of the operation of any statutory provision to which this section applies, and for the purposes of the exercise or performance of any power or duty conferred or imposed by, or for the enforcement of, any such statutory provision, no account shall be taken of any radioactivity possessed by any substance or article or by any part of any premises.
- (2) This section applies—
  - (a) to any statutory provision contained in, or for the time being having effect by virtue of, any of the enactments specified in Schedule 3, or any enactment for the time being in force whereby an enactment so specified is amended, extended or superseded, and
  - (b) to any statutory provision contained in, or for the time being having effect by virtue of, a local enactment whether passed or made before or after the passing of this Act (in whatever terms the provision is expressed) in so far as—
    - (i) the disposal or accumulation of waste or any description of waste, or of any substance which is a nuisance, or so as to be a nuisance, or of any substance which is, or so as to be, prejudicial to health, noxious, polluting or of any similar description, is prohibited or restricted by the statutory provision, or
    - (ii) a power or duty is conferred or imposed by the statutory provision on [<sup>F3</sup>the Environmental Agency or SEPA or on] any local authority, relevant water body or other public or local authority, or on any officer of a public or local authority, to take any action (whether by way of legal proceedings or otherwise) for preventing, restricting or abating such disposals or accumulations as are mentioned in subparagraph (i).
- (3) In this section—

“statutory provision”—

**Changes to legislation:** Radioactive Substances Act 1993, Section 40 is up to date with all changes known to be in force on or before 20 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

- (a) in relation to Great Britain, means a provision, whether of a general or a special nature, contained in, or in any document made or issued under, any Act [<sup>F4</sup>or Act of the Scottish Parliament], whether of a general or a special nature, and
- (b) in relation to Northern Ireland, has the meaning given by section 1(f) of the <sup>M1</sup>Interpretation Act (Northern Ireland) 1954,
  - “local enactment” means—
    - (a) a local or private Act (including a local or private Act of the Parliament of Northern Ireland or a local or private Measure of the Northern Ireland Assembly), or
    - (aa) [<sup>F5</sup>an Act of the Scottish Parliament the Bill for which was a private Bill for the purposes of the standing orders of the Scottish Parliament,]
    - (b) an order confirmed by [<sup>F6</sup>the Scottish Parliament,] Parliament (or by the Parliament of Northern Ireland or the Northern Ireland Assembly) or brought into operation in accordance with special parliamentary procedure,

and any reference to disposal, in relation to a statutory provision, is a reference to discharging or depositing a substance or allowing a substance to escape or to enter a stream or other place, as may be mentioned in that provision.

- (4) The references to provisions of the <sup>M2</sup>Water Resources Act 1991 in Part I of Schedule 3 shall have effect subject to the power conferred by section 98 of that Act.]

#### 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** Act repealed (except for ss. 49(1) for specified purposes and s. 51, Sch. 4 paras. 2, 5-9, 11) (E.W.) (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\)](#), **reg. 17** (with reg. 18(2)-(4), Sch. 3)
- F3** Words in s. 40(2)(b)(ii) inserted (E.W.S.) (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 224** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F4** Words in s. 40(3) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **sch. 3 para. 42(2)(a)**; S.S.I. 2014/160, art. 2(1)(2), sch.
- F5** Words in s. 40(3) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **sch. 3 para. 42(2)(b)(i)**; S.S.I. 2014/160, art. 2(1)(2), sch.
- F6** Words in s. 40(3) inserted (S.) (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **sch. 3 para. 42(2)(b)(ii)**; S.S.I. 2014/160, art. 2(1)(2), sch.

#### Marginal Citations

- M1** 1954 c. 33 (N.I.).
- M2** 1991 c. 57.

**Changes to legislation:**

Radioactive Substances Act 1993, Section 40 is up to date with all changes known to be in force on or before 20 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.

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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\(3\)](#)