

Radioactive Substances Act, 1948.

II & I2 GEO. 6. CH. 37.

ARRANGEMENT OF SECTIONS.

Section.

1. Powers of Minister of Supply in relation to radioactive substances.
2. Control of importation and exportation of radioactive substances.
3. Control of sale and supply of radioactive substances.
4. Control of use of irradiating apparatus for therapeutic purposes.
5. Safety regulations for occupations involving radioactive substances and irradiating apparatus.
6. Advisory Committee.
7. Power of entry and inspection.
8. Offences and penalties.
9. Regulations and orders.
10. Power to revoke or vary Orders in Council and orders.
11. Expenses of Ministers.
12. Interpretation.
13. Application to Scotland.
14. Application to Northern Ireland.
15. Short title.



CHAPTER 37.

An Act to make provision with respect to radioactive substances and certain apparatus producing radiation.
[30th June 1948.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) The Minister of Supply shall have power to manufacture or otherwise produce, buy or otherwise acquire, treat, store, transport and dispose of any radioactive substances; and to do all such things (including the erection of buildings and the execution of works) as appear to the Minister necessary or expedient for the exercise of the preceding powers.

Powers of
Minister of
Supply in
relation to
radioactive
substances.

(2) Subsections (2) and (3) of section two of the Ministry of Supply Act, 1939 (which provide for the application of certain statutory provisions, including provisions relating to the acquisition of land, in relation to the Minister or his property) and Articles 5 and 6 of the Ministry of Supply (Transfer of Powers) (No. 1) Order, 1939, shall apply in relation to functions of the Minister under this Act or property vested in or under the control of the Minister by virtue of this Act.

2 & 3 Geo. 6.
c. 38.

2.—(1) The Minister of Supply may by order make such provision as the Minister thinks expedient for prohibiting or regulating, subject to such exceptions, if any, as may be made by or under the order, the importation into, or exportation from, the United Kingdom, or the carriage coastwise or the shipment as ships' stores, of all radioactive substances or radioactive substances of any class or description specified in the order :

Control of
importation and
exportation of
radioactive
substances.

Provided that no such order shall come into operation before the expiry of the Import, Export and Customs Powers (Defence) Act, 1939.

2 & 3 Geo. 6.
c. 69.

(2) If any radioactive substances are imported, exported, carried coastwise or shipped as ships' stores in contravention of any such order or are brought to any quay or other place, or waterborne, for the purpose of being exported or of being so carried or shipped in contravention of any such order, those goods shall be deemed to be prohibited goods and shall be forfeited; and the exporter of the goods or his agent, or the shipper of the goods, shall be liable, in addition to any other penalty under the enactments relating to customs, to a customs penalty of five hundred pounds.

(3) For the purposes of this section, the Isle of Man shall be deemed to form part of the United Kingdom, and this section shall be construed as one with the Customs Consolidation Act, 1876, and the enactments amending that Act.

39 & 40 Vict.
c. 36.

Control of
sale and
supply of
radioactive
substances.

3.—(1) Subject to the provisions of this section, no person shall, as from the appointed day, sell or otherwise supply any substance which contains more than the prescribed quantity of a radioactive chemical element (whether natural or artificial) and is intended to be taken internally by, injected into or applied to a human being, unless—

- (a) that person is a duly qualified medical practitioner or a registered dental practitioner and is licensed under this section, or is a person acting in accordance with the directions of any such practitioner licensed as aforesaid, and the substance is sold or supplied for the purposes of treatment by or in accordance with the directions of that practitioner; or
- (b) that person is a registered pharmacist or an authorised seller of poisons, and the substance is sold or supplied under the authority of a prescription signed and dated by any such practitioner licensed as aforesaid.

(2) Subject to the provisions of this section, no person shall administer any such substance by way of treatment of a human being unless he is such a practitioner licensed as aforesaid or is acting in accordance with the directions of such a practitioner so licensed.

(3) An application for a licence under this section shall be made to the appropriate Minister in writing and the applicant shall furnish such information as the Minister may require, and the Minister may grant or refuse the licence as he thinks fit, and, if he grants the licence, may grant it subject to such conditions, limitations and exceptions as may be specified therein.

(4) A licence under this section may at any time be varied or revoked by the appropriate Minister and, if such a licence is granted for a limited period, it may be renewed (with or without variation) at the expiration of that period on the like application as in the case of the grant of a licence.

(5) Subsection (1) of this section shall not apply to the sale or supply of any such substance as is therein mentioned—

- (a) by way of wholesale dealing ;
- (b) for the purpose of being exported ;
- (c) to any such practitioner licensed as aforesaid ;
- (d) to any person carrying on a hospital, clinic, nursing home or other institution providing or assisting in the provision of medical, surgical or dental treatment ; or
- (e) to any Minister of the Crown or Government department.

(6) A prescription signed by any such practitioner licensed as aforesaid authorising the sale or supply of any such substance as aforesaid shall not, subject as hereinafter provided, be dispensed on more than one occasion or more than three months after the date on which it was signed :

Provided that, if the prescription expressly directs that it may be dispensed on a specified number of occasions or at specified intervals during a specified period, it may be dispensed in accordance with that direction.

(7) The following respective Ministers and Ministry, that is to say—

- (a) as respects England and Wales, the Minister of Health ;
- (b) as respects Scotland, the Secretary of State ;
- (c) as respects Great Britain, the Minister of Health and the Secretary of State acting jointly ; and
- (d) as respects Northern Ireland, the Ministry of Health and Local Government for Northern Ireland ;

may by order provide, subject to such conditions, limitations and exceptions as may be specified in the order, for exempting from subsection (1) or subsection (2) of this section the sale or supply or, as the case may be, the administering of substances by or to persons of such classes or descriptions as may be so specified.

(8) Any person who contravenes any provision of this section or contravenes or fails to comply with any provision of a licence granted to him under this section, or being entitled to an exemption under an order made under this section contravenes or fails to comply with any provision of the order, shall be guilty of an offence :

Provided that, where any duly qualified medical practitioner or registered dental practitioner has, within three months from the appointed day, duly applied to the appropriate Minister for a licence under this section, the preceding provisions of this section shall, pending the notification to him of the Minister's decision on the application, have effect as if the licence had been granted on the terms of the application.

(9) In this section—

the expression “ the appointed day ” means such day as may be appointed by regulations made, as respects Great Britain, by the Minister of Health and the Secretary of State jointly and, as respects Northern Ireland, by the Ministry of Health and Local Government for Northern Ireland ;

the expression “ the appropriate Minister ” means—

(a) in relation to the grant of a licence to a person resident in England or Wales, or the renewal, variation or revocation of the licence of a person so resident, the Minister of Health ;

(b) in relation to the grant of a licence to a person resident in Scotland, or the renewal, variation or revocation of the licence of a person so resident, the Secretary of State ; and

(c) in relation to the grant of a licence to a person resident in Northern Ireland, or the renewal, variation or revocation of the licence of a person so resident, the Ministry of Health and Local Government for Northern Ireland ;

the expression “ prescribed ” means prescribed by regulations made as aforesaid.

(10) Such regulations may prescribe, for the purposes of this section, different permitted quantities for different radioactive chemical elements and in relation to different classes or descriptions of substances.

(11) Before making any regulations or order under this section, the Ministers or Minister or Ministry concerned shall consult with the Advisory Committee established under this Act.

Control of
use of
irradiating
apparatus for
therapeutic
purposes.

4.—(1) Subject to the provisions of this section, no person shall, as from the appointed day, use for the purposes of the medical, surgical or dental treatment of human beings any irradiating apparatus of a prescribed class or description, unless he is a duly qualified medical practitioner or a registered dental practitioner and is licensed under this section, or is a person acting in accordance with the directions of any such practitioner licensed as aforesaid.

(2) The following respective Ministers and Ministry, that is to say—

(a) as respects England and Wales, the Minister of Health ;

(b) as respects Scotland, the Secretary of State ;

(c) as respects Great Britain, the Minister of Health and the Secretary of State acting jointly ; and

(d) as respects Northern Ireland, the Ministry of Health and Local Government for Northern Ireland ;

may by order provide, subject to such conditions, limitations and exceptions as may be specified in the order, for the exemption from this section of such classes or descriptions of persons as may be so specified.

(3) Any person who contravenes subsection (1) of this section or contravenes or fails to comply with any provision of a licence granted to him under this section, or being exempted by an order made under this section contravenes or fails to comply with any provision of the order, shall be guilty of an offence :

Provided that, where any duly qualified medical practitioner or registered dental practitioner has, within three months from the appointed day, duly applied to the appropriate Minister for a licence under this section in respect of any apparatus, subsection (1) of this section shall, pending the notification to him of the Minister's decision on the application, have effect as if the licence had been granted on the terms of the application.

(4) Regulations made, as respects Great Britain, by the Minister of Health and the Secretary of State jointly or, as respects Northern Ireland, by the Ministry of Health and Local Government for Northern Ireland may provide for extending the provisions of this section so as to apply to the use for the purposes of medical, surgical or dental diagnosis of any irradiating apparatus of a class or description specified in the regulations, but save as aforesaid this section shall not apply to the use of apparatus for those purposes.

(5) Subsections (3) and (4) of the last preceding section shall apply in relation to licences under this section as they apply in relation to licences under that section, and the definitions contained in subsection (9) of that section shall apply for the purposes of this section.

(6) Before making any regulations or order under this section, the Ministers or the Minister or the Ministry concerned shall consult with the Advisory Committee established under this Act.

5.—(1) The appropriate Minister may, as respects any class or description of premises or places specified in the regulations, being premises or places in which radioactive substances are manufactured, produced, treated, stored or used or irradiating apparatus is used, make such provision by regulations as appears to the Minister to be necessary—

Safety regulations for occupations involving radioactive substances and irradiating apparatus.

(a) to prevent injury being caused by ionising radiations to the health of persons employed at those premises or places or other persons ; or

- (b) to secure that any radioactive waste products resulting from such manufacture, production, treatment, storage or use as aforesaid are disposed of safely ;

and the regulations may, in particular and without prejudice to the generality of this subsection, provide for imposing requirements as to the erection or structural alteration of buildings or the carrying out of works.

(2) The appropriate Minister may, as respects the transport of any radioactive substances, make such regulations as appear to him to be necessary to prevent injury being caused by such transport to the health of persons engaged therein and other persons.

(3) Regulations made under this section may provide for imposing requirements, prohibitions and restrictions on employers, employed persons and other persons.

(4) Any person who contravenes or fails to comply with any regulation made under this section or any requirement, prohibition or restriction imposed under any such regulation shall be guilty of an offence.

(5) Before making any regulations under this section, the appropriate Minister shall consult with the Advisory Committee established under this Act.

(6) In this section the expression " the appropriate Minister " means such Minister, or such Ministers acting jointly, as may be designated by Order in Council, and different Ministers may be designated, for the purposes of subsection (1) of this section, for different classes or descriptions of premises or places and, for the purposes of subsection (2) of this section, for different forms of transport or for the transport of different classes or descriptions of substances.

(7) This section shall be without prejudice to the provisions of the Factories Act, 1937, as amended by any subsequent enactment.

1 Edw. 8 &
1 Geo. 6.
c. 67.

Advisory
Committee.

6.—(1) There shall be an Advisory Committee whose duty shall be to advise any Minister or Ministry by whom functions are exercisable under this Act on any matters on which that Minister or Ministry is required to consult the Committee and any matters connected with the exercise of those functions on which the Committee at any time think fit to advise and any matters arising out of the exercise of those functions which are referred to the Committee by any such Minister or Ministry.

(2) The members of the Committee shall be appointed by the following Ministers jointly, that is to say the Minister of Health, the Secretary of State, the Minister of Supply and

the Minister of Health and Local Government for Northern Ireland for the time being, after consultation with such scientific, professional and technical organisations and persons as the said Ministers think appropriate.

(3) The Ministers referred to in the last preceding subsection shall appoint jointly a member of the Committee to be chairman thereof, and the Minister of Health shall appoint an officer of the Ministry of Health to be secretary of the Committee.

(4) Every member of the Committee shall hold and vacate his office in accordance with the terms of his appointment, and shall, on ceasing to be a member, be eligible for re-appointment :

Provided that any member may at any time by notice in writing to the Ministers referred to in subsection (2) of this section resign his office.

(5) The meetings and the procedure of the Committee shall be such as may be determined by them.

7.—(1) Any person authorised by the appropriate Minister to act under this section shall, on producing, if so required, a duly authenticated document showing his authority, have a right to enter at all reasonable hours any premises (other than premises wholly or mainly used for residential purposes) or any vehicle, vessel or aircraft, for the purpose of ascertaining whether there has been committed, or is being committed, in or in connection with the premises, vehicle, vessel, or aircraft an offence under any provision of this Act except section two. Power of entry and inspection.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing by a person authorised as aforesaid—

(a) that the exercise of the right conferred by the preceding subsection has been refused or, in the case of premises wholly or mainly used for residential purposes, that a request for admission has been refused, or that the case is one of urgency or that an application or request for admission would defeat the object of the entry ; and

(b) that there are reasonable grounds for suspecting that an offence under any provision of this Act (except section two) has been or is being committed in or in connection with the premises, vehicle, vessel or aircraft in question ;

the justice may by warrant under his hand authorise that person and any other person named in the warrant and any constable to enter and search any premises, vehicle, vessel or aircraft, if need be by force.

(3) Every warrant granted under this section shall continue in force until the purpose for which it was granted has been satisfied.

(4) If any person wilfully obstructs any person exercising powers under this section, he shall be guilty of an offence.

(5) If any person discloses any information obtained by means of the exercise of powers under this section, being information with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in accordance with the directions of the appropriate Minister or for the purpose of proceedings for an offence under this Act or any report of those proceedings, be guilty of an offence.

(6) In this section the expression "the appropriate Minister" means, in relation to the exercise of powers for enforcing any section of this Act, the appropriate Minister within the meaning of that section.

Offences and
penalties.

8.—(1) Any person guilty of an offence under subsection (4) of the last preceding section shall be liable, on summary conviction, to a fine not exceeding twenty pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds.

(2) Any person guilty of an offence under subsection (5) of the last preceding section shall—

(a) on summary conviction, be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment; or

(b) on conviction on indictment, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(3) Any person guilty of an offence under any other provision of this Act shall be liable, on summary conviction, to a fine not exceeding one hundred pounds or, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) If the act or omission constituting an offence under any provision of this Act in respect of which a person is convicted is continued after conviction, he shall be guilty of a further offence and may, on summary conviction, be punished accordingly.

(5) Where an offence under any provision of this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(6) The court by which any person is convicted of an offence under any provision of this Act in respect of any substances or apparatus may order that the substances or apparatus shall be forfeited to the Crown.

(7) Nothing in this section shall apply to offences arising under section two of this Act.

9.—(1) Any power conferred by this Act to make regulations or orders shall be exercisable by statutory instrument and any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament. Regulations and orders.

(2) Before any regulations are made under this Act, the Minister or Ministers making the regulations shall publish in the Gazette and in such other manner as he or they may think best adapted for informing persons affected notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (not being less than twenty-eight days) and the manner in which objection may be made to the regulations.

(3) If any objection is duly made and is not withdrawn, the said Minister or Ministers shall, before making the regulations, either cause a public inquiry to be held or afford to any person by whom any objection has been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by the said Minister or Ministers for the purpose, and shall consider the objection and the report of the person who held the inquiry or the person appointed as aforesaid before making the regulations.

(4) Notice of any such inquiry as aforesaid shall be given in such manner as appears to the said Minister or Ministers to be appropriate for the purpose of informing the persons affected, and the provisions of subsections (2), (3) and (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to evidence and costs) shall apply in relation to any such inquiry as if for any reference therein to the department there were substituted a reference to the said Minister or Ministers. 23 & 24 Geo. 5. c. 51.

10. Any Order in Council or order made under this Act may be revoked or varied by a subsequent Order in Council or order made in like manner and subject to the like conditions. Power to revoke or vary Orders in Council and orders.

11. Any expenses incurred by the Minister of Supply in the exercise of functions under this Act and any administrative expenses incurred by any Minister of the Crown or Government department under or by virtue of this Act, shall be defrayed out of moneys provided by Parliament. Expenses of Ministers.

12. In this Act, the following expressions have the meanings hereby respectively assigned to them, that is to say :— Interpretation.

“ authorised seller of poisons ” has the meaning assigned to it by the Pharmacy and Poisons Act, 1933 ;

22 & 23 Geo. 5. c. 25.

- “ the Gazette ” means, in relation to regulations which have effect in England and Wales only, the London Gazette, and, in relation to regulations which have effect in Scotland only, the Edinburgh Gazette, and, in relation to regulations which have effect in Great Britain, both those Gazettes ;
- “ radioactive substance ” means any substance which consists of or contains any radioactive chemical element, whether natural or artificial ;
- “ registered dental practitioner ” means a person registered in the dentists register under the Dentists Acts, 1878 to 1923 ;
- “ registered pharmacist ” means a person registered in the register of pharmaceutical chemists or the register of chemists and druggists ;
- “ sale by way of wholesale dealing ” means sale to a person who buys for the purpose of selling again ;
- “ substance ” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour, and also includes any manufactured article or article which has been subjected to any artificial treatment or process.

Application
to Scotland.

13. In the application of this Act to Scotland—

- (a) for any reference to a justice of the peace there shall be substituted a reference to the sheriff ; and
- (b) the provisions of subsections (4) to (7) and subsection (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall apply to any inquiry held in Scotland under section nine of this Act in lieu of the provisions mentioned in subsection (4) of that section.

10 & 11 Geo. 6.
c. 43.

Application to
Northern
Ireland

14.—(1) Subject to the provisions of this section this Act extends to Northern Ireland.

(2) In the application of this Act to Northern Ireland the following provisions of this subsection shall have effect, that is to say :—

- (a) in sections three and eleven, the expression “ Government department ” shall be construed as including a department of the Government of Northern Ireland ;
- (b) in section five, for the definition of “ the appropriate Minister ” the following definition shall be substituted—
- “ ‘ the appropriate Minister ’ means such department of the Government of Northern Ireland as may

be designated by Order in Council made by the Governor of Northern Ireland by virtue of section four of the Ministries Act (Northern Ireland), 1944, and different departments may be designated, for the purposes of subsection (1) of this section, for different classes or descriptions of premises or places and, for the purposes of subsection (2) of this section, for different forms of transport or for the transport of different classes or descriptions of substances ;”

and the reference in subsection (7) of that section to the provisions of the Factories Act, 1937, as amended by any subsequent enactment shall be construed as a reference to the enactments of the Parliament of Northern Ireland for the time being in force corresponding to those provisions ;

- (c) in subsection (2) of section seven, for the reference to a justice of the peace there shall be substituted a reference to a resident magistrate within the meaning of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935 ;
- (d) in section eight, the references to summary conviction shall be construed as references to conviction subject to, and in accordance with, the Petty Sessions (Ireland) 14 & 15 Vict. Act, 1851, and any Act (including any Act of the c. 93. Parliament of Northern Ireland) amending that Act ;
- (e) the following section shall have effect in lieu of section nine—

“ All regulations and orders made by the Ministry of Health and Local Government for Northern Ireland under this Act shall be laid before each House of the Parliament of Northern Ireland, and if either such House within the statutory period next after any such regulations are laid before it resolves that the regulations be annulled, the regulations shall cease to have effect, but without prejudice to anything done thereunder or to the making of new regulations.

In this section the expression ‘ statutory period ’ means a period comprising five days at least on which the Senate or the House of Commons (as the case may require) has sat, but not being in any case shorter in duration than ten days, such days being reckoned without regard to the question whether they are comprised in one or in more than one Session of Parliament.” ;

(f) in section twelve, for the definitions of " authorised seller of poisons " and " registered pharmacists " there shall be substituted the following definitions :—

" ' authorised seller of poisons ' has the meaning assigned to it by the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945, as amended by any other enactment of the Parliament of Northern Ireland ;

' registered pharmacist ' means a person registered in the register of pharmaceutical chemists in pursuance of the Pharmacy and Poisons Acts (Northern Ireland) 1925 and 1945, or any enactment of the Parliament of Northern Ireland amending those Acts."

Short title.

15. This Act may be cited as the Radioactive Substances Act, 1948.

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