

2010 No. 2153

ENVIRONMENTAL PROTECTION, SCOTLAND

**The Radioactive Contaminated Land (Scotland) (Amendment)
Regulations 2010**

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| <i>Made</i> | - - - - | <i>23rd August 2010</i> |
| <i>Laid before Parliament</i> | | <i>2nd September 2010</i> |
| <i>Coming into force</i> | - - | <i>30th September 2010</i> |

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 78A(9) and 78YC of the Environmental Protection Act 1990(a):

Citation and commencement

1. These Regulations may be cited as the Radioactive Contaminated Land (Scotland) (Amendment) Regulations 2010 and come into force on 30th September 2010.

Amendment

2.—(1) The Radioactive Contaminated Land (Scotland) Regulations 2007(b) are amended as follows.

(2) In sub-paragraph (a) of regulation 3(c) (section 78A (preliminary))—

- (a) in subsection (2ZB) omit the words “Subject to subsection (2ZC) below,”.
- (b) omit subsection (2ZC).

(3) For sub-paragraph (e)(iii) substitute—

“(iii) for the definition of “substance” substitute—

““substance” means, whether in solid or liquid form or in the form of a gas or vapour, any substance containing radionuclides which have resulted from the after-effects of a radiological emergency or have been processed as part of a past practice or past work activity;”.

(a) 1990 c. 43. Sections 78A to 78YC were inserted by section 57 of the Environment Act 1995 (c. 25). See the definition of “prescribed” and “regulations” in section 78A(9). The powers under these sections have been devolved to the Scottish Ministers (see section 53 of the Scotland Act 1998 (c. 46)). The Secretary of State’s power to make regulations under section 78YC is preserved by section 57(1) of the Scotland Act 1998 for the purpose of implementing obligations under Articles 48 and 53 of Council Directive 96/29/Euratom.

(b) S.S.I. 2007/179, as amended by S.I. 2007/3240 and S.S.I. 2009/202.

(c) Regulation 3 of S.S.I. 2007/179 was substituted under regulation 3(4) of S.I. 2007/3240 and amended under regulation 2(2) and 2(3) of S.S.I. 2009/202.

Revocation

3.—(1) The Radioactive Contaminated Land (Scotland) (Amendment) Regulations 2009(a) are revoked as follows.

(2) In regulation 2(2) omit subsection (2ZC).

(3) Revoke regulation 2(3).

23rd August 2010

Charles Hendry
Minister of State,
Department of Energy and Climate Change

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Radioactive Contaminated Land (Scotland) Regulations 2005 (S.S.I. 2007/179) in relation to the modifications made to section 78A of the Environmental Protection Act 1990 (c. 43) by those Regulations. The amendments made by these Regulations substitute a new definition of “substance” for the purposes of that section and make certain consequential amendments as a result of that new definition.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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(a) S.S.I. 2009/202.

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