

SCHEDULE 8

RADIOACTIVE SUBSTANCES ACTIVITIES

PART 3

Duties of SEPA

Orphan Sources

36.—(1) Where SEPA is satisfied that radioactive waste ought to be disposed of and it is unlikely that the waste will be disposed of in accordance with an authorisation on the grounds that either—

- (a) the premises where the waste is located are unoccupied;
- (b) the occupier is absent or insolvent;
- (c) the occupier is a member of the public; or
- (d) for any other reason,

SEPA may serve a notice (“a radioactive waste disposal notice”) on a person requiring the person to dispose of the radioactive waste in a specified manner.

(2) The person on whom SEPA may serve a radioactive waste disposal notice includes the occupier of the premises where the radioactive waste is located or, if the premises are unoccupied, the owner of the premises.

(3) A radioactive waste disposal notice must specify—

- (a) the radioactive waste to be disposed of;
- (b) the person who is required to dispose of the radioactive waste;
- (c) the manner in which the radioactive waste is to be disposed of;
- (d) the date by which the radioactive waste is to be disposed of; and
- (e) the reasons why SEPA is satisfied that the radioactive waste is unlikely to be disposed of in accordance with an authorisation (which may include that the radioactive waste is on premises occupied by a member of the public).

(4) This sub-paragraph applies where SEPA has served a radioactive waste disposal notice and the person on whom it was served has failed to comply with it (in whole or in part).

(5) Where sub-paragraph (4) applies, SEPA may—

- (a) dispose of radioactive waste; and
- (b) recover from the occupier of the premises, or, if the premises are unoccupied, from the owner of the premises, any expenses reasonably incurred from disposing of the waste.