
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Radioactive Contaminated Land (Scotland) Regulations 2007 (“the first 2007 Regulations”), as already amended by the Radioactive Contaminated Land (Scotland) (Amendment) Regulations 2007 (S.I.2007/3240) (“the second 2007 Regulations”).

The first 2007 Regulations extended the contaminated land regime contained in Part IIA of the Environmental Protection Act 1990 (“the 1990 Act”) to most radioactive contaminated land, subject to certain modifications. The second 2007 Regulations further extended the provisions of Part IIA to land contaminated by a nuclear occurrence, again subject to modifications contained in those Regulations.

The current Regulations make two additional modifications in relation to radioactive contaminated land other than land contaminated by a nuclear occurrence. They provide for the Scottish Environment Protection Agency to determine whether such land is “contaminated land”. They also modify the definition of “substance” contained in the two sets of 2007 Regulations. Regulation 2(4) makes a consequential amendment to provisions relating to guidance issued by the Scottish Ministers.

No Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the cost of business.