
STATUTORY INSTRUMENTS

2006 No. 1379

**The Radioactive Contaminated Land (Modification
of Enactments)(England) Regulations 2006**

Section 78YB (interaction of Part 2A with other enactments)

17.—(1) Section 78YB (interaction of Part 2A with other enactments) has effect with the following modifications.

(2) For subsection (1), substitute—

“(1) A remediation notice shall not be served if and to the extent that it appears to the enforcing authority that the powers of the appropriate Agency under section 27 above may be exercised in relation to the harm (if any) by reason of which the contaminated land in question is such land.”.

(3) In subsections (2), (2A) and (2B), for “significant harm, or pollution of controlled waters” substitute “harm”.

(4) After subsection (4), insert—

“(5) Nothing in this Part applies to land which is contaminated land by reason of the presence in, on or under that land of any substances, in so far as by reason of that presence damage to any property occurs, being—

- (a) damage caused in breach of any duty imposed by section 7, 8, 9 or 10 of the 1965 Act, or deemed to be so caused by section 12(2) of that Act;
- (b) damage which would have been so caused if, in section 7(1)(a) or (b) of the 1965 Act, the words “other than the licensee” or, in section 10(1) of that Act, the words “other than the operator” had not been enacted; or
- (c) damage in respect of which any relevant foreign operator or other person is liable under any relevant foreign law, or for which he would be so liable—
 - (i) but for any exclusion or limitation of liability applying by virtue of any provision of that law made for purposes corresponding to those of section 13(3) or (4)(a), 15, 16(1) and (2) or 18 of the 1965 Act; or
 - (ii) if any such relevant foreign law which does not contain provision made for purposes corresponding to those of section 13(4)(b) of the 1965 Act did contain such provision.

(6) In subsection (5)—

“the 1965 Act” means the Nuclear Installations Act 1965(1);

“relevant foreign law” and “relevant foreign operator” have the meanings given by the 1965 Act.”.

Status:

Point in time view as at 04/08/2006. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Radioactive Contaminated Land (Modification of Enactments)(England) Regulations 2006, Section 17.