
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part IIA of the Environmental Protection Act 1990 (c. 43) (“Part IIA” of “the 1990 Act”) sets out a regime for the identification and remediation of contaminated land. In Scotland the Radioactive Contaminated Land (Scotland) Regulations 2007 (S.S.I. 2007/179) (“the 2007 Regulations”) apply the powers under the 1990 Act to make regulations and guidance in relation to radioactive substances and make provision for Part IIA to have effect with modifications for the purpose of the identification and remediation of radioactive contaminated land.

The 2007 Regulations exclude circumstances where civil liability for damage to the land is regulated, for the purposes of the Paris Convention on third party liability in the field of nuclear energy, by the Nuclear Installations Act 1965 (c. 57) or foreign law (in other words, situations where radiation arises from a nuclear occurrence). The effect of these Regulations is to amend the 2007 Regulations so as to apply the modifications they make to Part IIA and to the Environment Act 1995 (c. 25) to all radioactivity (paragraphs (4) to (9) of regulation 3). Regulation 3(3) excludes provisions relating to the water environment or pollution of the water environment in Part IIA from having effect in relation to situations arising from a nuclear occurrence. These Regulations also apply the amendment made to the Contaminated Land (Scotland) Regulations 2000 (S.S.I. 2000/178) to all radioactivity and modify those Regulations so as to provide for a new ground of appeal against a remediation notice (regulation 3(9)).

These Regulations also implement obligations arising under Articles 48 and 53 of Council Directive 1996/29/Euratom laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (OJNo. L 159, 29.06.1996, p.1).

A full regulatory impact assessment was produced in relation to the 2007 Regulations and that remains relevant to these Regulations. As such a further full regulatory impact assessment has not been produced for this instrument as no additional impact on the private or voluntary sectors is foreseen. A Transposition Note in relation to these Regulations has been prepared and placed in the library of each House of Parliament. Copies of this document can be obtained from the Radioactive Substances Division, Department for Environment, Food and Rural Affairs, Room 4C, Ergon House, Horseferry Road, London, SW1P 2AL.