

2021 No. 1315 (S. 3)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

ENVIRONMENTAL PROTECTION

**The Environmental Authorisations (Scotland) Regulations 2018
(Consequential Modifications) Order 2021**

Made - - - - - *24th November 2021*

Coming into force - - - - - *25th November 2021*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(5) of the Scotland Act 1998(a).

In accordance with paragraphs 1, 2 and 3 of Schedule 7 to that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Environmental Authorisations (Scotland) Regulations 2018 (Consequential Modifications) Order 2021 and comes into force on the day after the day on which it is made.

(2) This Order extends to Scotland only.

Modification of the Continental Shelf Act 1964

2. In section 7 (radioactive substances) of the Continental Shelf Act 1964(b)—

(a) for “the Radioactive Substances Act 1993 and any orders and regulations made thereunder” substitute “the Environmental Authorisations (Scotland) Regulations 2018”(c);

(b) for “that Act” substitute “those Regulations”.

(a) 1998 c. 46; relevant amendment is made to section 104 by section 12(2)(a) of the Scotland Act 2012 (c. 11).

(b) 1964 c. 29; section 7 has been amended in relation to Scotland by paragraph 2(3) of Schedule 4 to the Petroleum Act 1998 (c. 17) and paragraph 1 of Schedule 4 to the Radioactive Substances Act 1993 (c. 12).

(c) S.S.I. 2018/219.

Modification of the Civil Jurisdiction (Offshore Activities) Order 1987

3. The Civil Jurisdiction (Offshore Activities) Order 1987^(a) is amended as follows—

- (a) in the heading of article 4 (application of Wireless Telegraphy Act 1949 and the Radioactive Substances Act 1960), for “the Radioactive Substances Act 1960” substitute “the Environmental Authorisations (Scotland) Regulations 2018”;
- (b) in article 4—
 - (i) for “, the Radioactive Substances Act 1960 and any regulations or orders under either of those Acts” substitute “, any regulations or orders under that Act”; and
 - (ii) after “therein” insert “and the Environmental Authorisations (Scotland) Regulations 2018 (as they apply to radioactive substances activity within the meaning of regulation 4 of those Regulations)”.

Dover House,
London
24th November 2021

Alister Jack
Secretary of State
Office of the Secretary of State for Scotland

^(a) S.I. 1987/2197, to which there are no relevant amendments in relation to Scotland.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential on the Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219) (“the 2018 Regulations”). The 2018 Regulations introduced a single integrated framework for environmental authorisations in Scotland in relation to radioactive substances, and repealed in Scotland the Radioactive Substances Act 1993 (“the 1993 Act”).

Article 2 of this Order modifies section 7 of the Continental Shelf Act 1964 to substitute references to the 1993 Act with references to the 2018 Regulations. Article 3 of this Order modifies article 4 of the Civil Jurisdiction (Offshore Activities) Order 1987 to substitute references to the Radioactive Substances Act 1960 (which was repealed by the 1993 Act) with references to the 2018 Regulations. The effect of these modifications is to deem installations in the offshore area to be part of Scotland for the purposes of the 2018 Regulations as they apply in relation to radioactive substances activity, as was the case previously for the purposes of the 1993 Act.

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

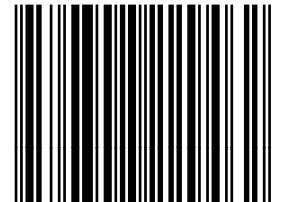
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£4.90

<http://www.legislation.gov.uk/id/uksi/2021/1315>

ISBN 978-0-34-822946-2



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