

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2007 No. 179**

**The Radioactive Contaminated  
Land (Scotland) Regulations 2007**

**Section 78N**

**11.** In section 78N of the 1990 Act (powers of the enforcing authority to carry out remediation)–

(a) after subsection (1) insert–

“(1A) The enforcing authority shall exercise its power under subsection (1) above in any case falling within paragraph (c), (d), (e) or (f) of subsection (3) below.

(1B) The Scottish Ministers may make available to the enforcing authority a sum or sums of money in respect of costs and expenses incurred or to be incurred by the enforcing authority (or by a person on its behalf) in relation to the exercise of its duty under subsection (1A) above provided that–

- (a) the amount of such costs and expenses exceeds or is expected to exceed any reasonable provision for such costs and expenses made by the appropriate Agency, and
- (b) the total amount made available does not exceed the difference between the amount of such costs and expenses and the amount of such provision.”; and

(b) in subsection (4), after “78E(4)” insert “, (4A)”.