

SCHEDULE 6

CONSEQUENTIAL AMENDMENTS

PART 1

Public general acts

Nuclear Installations Act 1965

1.—(1) The Nuclear Installations Act 1965⁽¹⁾ is amended in accordance with sub-paragraphs (2) to (4).

(2) In section 3(14) (grant and variation of nuclear site licences)—

(a) in paragraph (b), omit “Scotland or”;

(b) after paragraph (b) insert—

“(c) in relation to a site in Scotland, has the same meaning as in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018.”.

(3) In section 4(3)(d) (attachment of conditions to licences) after “(S.I. 2016/1154)”, insert “or to the Environmental Authorisations (Scotland) Regulations 2018.”.

(4) In section 4(7)—

(a) in paragraph (b), omit “Scotland or”;

(b) after paragraph (b), insert—

“(c) in relation to a site in Scotland, has the same meaning as in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018.”.

Environmental Protection Act 1990

2.—(1) The Environmental Protection Act 1990⁽²⁾ is amended in accordance with sub-paragraphs (2) to (4).

(2) For section 75(2)(b) (meaning of “waste”) substitute—

“(b) radioactive waste, as defined in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018, the disposal of which falls within one of the activities specified in column 1 of Part 1 of schedule 9 of those Regulations and can be carried on in accordance with the rules specified for that activity;”.

(3) In section 142(7) (powers to obtain information about potentially hazardous substances), for “Radioactive Substances Act 1993” substitute “Environmental Authorisations (Scotland) Regulations 2018”.

(1) 1965 c.57. Sections 3 and 4 are amended by the Energy Act 2013 (c.32) schedule 12 paragraph 18.

(2) 1990 c.43. Section 75(2) is amended by the Waste (Scotland) Regulations 2011 (S.S.I. 2011/226) regulation 2(12). Section 142 is amended by (1) the Explosives Regulations 2014 (S.I. 2014/1638) schedule 13 paragraph 6(2) the Radioactive Substances Act 1993 (c.12) schedule 4 paragraph 8(3) the Human Medicines Regulations 2012 (S.I. 2012/1916) schedule 34 paragraph 41 and (4) the Veterinary Medicines Regulations 2006 (S.I. 2006/2407) schedule 9 paragraph 8(b). Section 156 is amended by (1) the Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043) Article 6(1)(e) and (2) the Radioactive Substances Act 1993 (c.12) schedule 4 paragraph 9.

(4) In section 156(2) (power to give effect to EU and other international obligations etc.), for “Radioactive Substances Act 1993” substitute “Environmental Authorisations (Scotland) Regulations 2018”.

Environment Act 1995

3. In section 42(3)(b) (Approval of charging schemes) of the Environment Act 1995⁽³⁾—
- (a) for “under section 13(1) of the Radioactive Substances Act 1993” substitute “for radioactive substances activities under the Environmental Authorisations (Scotland) Regulations 2018”; and
 - (b) for “that Act” substitute “those Regulations”.

Food Standards Act 1999

4. In schedule 3 (the Food Standard Agency’s functions under other enactments) of the Food Standards Act 1999⁽⁴⁾ for paragraph 21 substitute—

“21.—(1) The Agency has the right to be consulted on the determination of any application for the grant or variation of an authorisation (including of any conditions to which the authorisation may be subject) under the Environmental Authorisations (Scotland) Regulations 2018 for the disposal of radioactive waste from any premises situated on a nuclear site.

(2) In sub-paragraph (1), “nuclear site” has the same meaning as in paragraph 4(1) of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018.”.

Energy Act 2004

5. For section 10(2)(b) (powers for carrying out functions) of the Energy Act 2004⁽⁵⁾ substitute—
- “(b) power to apply for and hold authorisations (within the meaning of the Environmental Authorisations (Scotland) Regulations 2018) that relate to radioactive substances activities (within the meaning given in regulation 4 of those Regulations);”.

(3) 1995 c.25. Section 42(3) is amended by (1) the Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regulation 6(3), and (2) the Food Standards Act 1999 (c.28), schedule 5, paragraph 44(2)(a) and schedule 6, paragraph 1.

(4) 1999 c.28

(5) 2004 c.20