

SCHEDULE 1

Regulation 23

Enforcement Powers

1. The powers exercisable under regulation 23 are the powers in paragraphs (a) to (l) of subsection (4) of section 108 of the Environment Act 1995(1) subject to subsections (5) to (8), (10) to (13) and (15) of that section, as modified by paragraph 2 of this Schedule.

2. For the purposes of paragraph 1, section 108 shall apply as if –

(1) in paragraph (b)(i) of subsection (4), reference to “enforcing authority” were to “Justifying Authority”;

(2) in paragraphs (b)(i), (j) and (l) of subsection (4), paragraph (a) of subsection (6) and subsections (7), (10), (11) and in the definition of “emergency” in subsection (15), reference to “an authorised person” or “the authorised person” were to “the Justifying Authority”;

(3) in paragraph (g) of subsection (4), reference to “caused or to be likely to cause pollution of the environment or harm to human health” were to “been used or likely to be used in a practice resulting in exposure to ionising radiation”;

(4) in paragraph (h)(iii) of subsection (4), reference to “the pollution control enactments in the case of the enforcing authority under whose authorisation he acts or in any other proceedings relating to a variation notice, enforcement notice or prohibition notice under those enactments” were to “regulation 24 of the Justification of Practices Involving Ionising Radiation Regulations 2004”;

(5) in paragraph (k) of subsection (4), sub-paragraph (i) were omitted;

(6) in subsection (5), the words “for the purpose of enabling an enforcing authority to determine whether any provision of the pollution control enactments in the case of that authority is being, or has been, complied with” were deleted;

(7) in subsection (5), the reference to “subsections (1) and (4)” were a reference to “subsection (4)”;

(8) in subsection (8), the reference to “subsections (1) to (4)” were a reference to “subsection 4”;

(9) in subsection (15), all definitions were omitted except for the definitions of “emergency”, “mobile plant” and “premises”; and

(10) the section extended to Northern Ireland.

3. Schedule 18 to the Environment Act 1995 shall have effect with respect to the powers of entry and related powers which are conferred by regulation 23 and this Schedule but as if –

(1) in paragraph 1(1), the words “an authorised person, within the meaning of section 108 of this Act and includes” were omitted;

(2) in paragraphs 2(1) and 6(1) and (3), references to an or the “enforcing authority” were to “the Justifying Authority”; and

(3) the Schedule extended to Northern Ireland.

(1) 1995 c. 25, to which there are amendments not relevant to these Regulations.