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STATUTORY INSTRUMENTS

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**2006 No. 1379**

**The Radioactive Contaminated Land (Modification  
of Enactments)(England) Regulations 2006**

**Section 78N (powers of the enforcing authority to carry out remediation)**

**14.**—(1) Section 78N (powers of the enforcing authority to carry out remediation) has effect with the following modifications.

(2) In subsection (1), omit “or waters”.

(3) After subsection (1), insert—

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

(1B) If the Secretary of State thinks fit, he 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) 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.”.

(4) In subsection (3)(a), omit “, or serious pollution of controlled waters,”.

(5) In subsections (3)(d) and (4)(d), omit “78J or”.

(6) For subsection (5), substitute—

“(5) In this section “the relevant land” means—

(a) the contaminated land in question; or

(b) any land adjoining or adjacent to that land.”.