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STATUTORY INSTRUMENTS

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**2006 No. 1379**

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

**Section 78YB (interaction of Part 2A with other enactments)**

17.—<sup>[F1]</sup>(1) Section 78YB (interaction of Part 2A with other enactments) has effect with the following modifications.

(2) In subsection (1)—

- (a) in paragraph (a), omit the words “significant” and “, or pollution of controlled waters,”; and
- (b) in paragraph (b), omit the words “or pollution”.

(3) After subsection (4) insert—

“(4A) Nothing in this Part applies in respect of land which, except for this subsection, would otherwise fall to be regarded as contaminated land within a nuclear site.

<sup>[F2]</sup>(4AA) Nothing in this Part applies in respect of land which, except for this subsection, would otherwise fall to be regarded as contaminated land within a relevant disposal site.]

(4B) Nothing in this Part applies in respect of land which, except for this subsection, would otherwise fall to be regarded as contaminated land on a site—

- (a) in respect of which there is no nuclear site licence in force; and
- (b) which is used by or on behalf of the Secretary of State for Defence for a purpose which, if section 1 of the 1965 Act applied to the Crown, would require the authority of a nuclear site licence in respect of that site.

<sup>[F3]</sup>(4BA) Nothing in this Part applies in respect of land which, except for this subsection, would otherwise fall to be regarded as contaminated land within a site used by the Secretary of State for Defence for a purpose which, if section 7B of the 1965 Act applied to the Crown, would cause the site to be a relevant disposal site.]

(4C) Nothing in this Part applies in respect of land which, except for this subsection, would otherwise fall to be regarded as contaminated land if—

- (a) action is required to be taken by a local authority under <sup>[F4]</sup>paragraph (3) of regulation 17 (implementation of emergency plans) of the Radiation (Emergency Preparedness and Public Information) Regulations 2019]; and
- (b) that action would for the purposes of Part 2A amount to remediation of the relevant land.”

(4) For subsection 5, substitute—

“(5) In this section—

“enforcement action” means action under regulation 36, 37 or 42 of <sup>[F5]</sup>the Environmental Permitting (England and Wales) Regulations 2016] (in this subsection referred to as “<sup>[F6]</sup>the 2016 Regulations”);

“licensed site”, “nuclear site licence” and, in relation to a licensee, “period of responsibility” have the meaning given by section 26(1) of the 1965 Act;

“nuclear site” means any licensed site in respect of which, or part of which—

- (a) a nuclear site licence is for the time being in force; or
- (b) after the revocation or surrender of a nuclear site licence, the period of responsibility of the licensee has not come to an end; and

“regulated facility” has the meaning given in regulation 8 of [<sup>F6</sup>the 2016 Regulations].

[<sup>F7</sup>“relevant disposal site” has the meaning given by section 7B of the 1965 Act.”].]

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| <b>F1</b> | Reg. 17 substituted (6.4.2008) by <a href="#">The Radioactive Contaminated Land (Modification of Enactments) (England) (Amendment) Regulations 2008 (S.I. 2008/520)</a> , regs. 1, <b>2(3)</b>                            |
| <b>F2</b> | Words in reg. 17(3) inserted (4.5.2016) by <a href="#">The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562)</a> , arts. 1, 2, <b>Sch. 2 para. 9(3)(a)</b> (with art. 40)                           |
| <b>F3</b> | Words in reg. 17(3) inserted (4.5.2016) by <a href="#">The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562)</a> , arts. 1, 2, <b>Sch. 2 para. 9(3)(b)</b> (with art. 40)                           |
| <b>F4</b> | Words in reg. 17(3) substituted (22.5.2019) by <a href="#">The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (S.I. 2019/703)</a> , reg. 1(1), <b>Sch. 10 para. 6</b> (with reg. 3)           |
| <b>F5</b> | Words in reg. 17(4) substituted (1.1.2017) by <a href="#">The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)</a> , reg. 1(1), <b>Sch. 29 para. 21(a)</b> (with regs. 1(3), 77-79, Sch. 4) |
| <b>F6</b> | Words in reg. 17(4) substituted (1.1.2017) by <a href="#">The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)</a> , reg. 1(1), <b>Sch. 29 para. 21(b)</b> (with regs. 1(3), 77-79, Sch. 4) |
| <b>F7</b> | Words in reg. 17(4) inserted (4.5.2016) by <a href="#">The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562)</a> , arts. 1, 2, <b>Sch. 2 para. 9(4)</b> (with art. 40)                              |

**Changes to legislation:**

There are currently no known outstanding effects for the The Radioactive Contaminated Land (Modification of Enactments)(England) Regulations 2006, Section 17.