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STATUTORY INSTRUMENTS

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**2006 No. 1379**

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

**Section 78E (duty of enforcing authority to require remediation of contaminated land etc)**

**8.**—(1) Section 78E (duty of enforcing authority to require remediation of contaminated land etc) has effect with the following modifications.

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

(3) For subsection (4), substitute—

“(4) Subject to subsection (4A), the only things by way of remediation which the enforcing authority may do, or require to be done, under or by virtue of this Part are things which it considers reasonable, having regard to—

- (a) the cost which is likely to be involved; and
- (b) the seriousness of the harm in question.

[<sup>F1</sup>(4A) Where remediation includes the implementation of a protective or remedial measure, that part of the remediation which consists of the implementation of any such measure may be considered reasonable only—

- (a) where the measure does more good than harm; and
- (b) where the form, scale and duration of the measure is optimised.]

[<sup>F1</sup>(4B) For the purpose of subsection (4A), the form, scale and duration of a protective or remedial measure shall be taken to be optimised if the magnitude of individual doses, the likelihood of exposure and the number of individuals exposed are kept as low as reasonably achievable taking into account the current state of technical knowledge and economic and societal factors.”].

(4) In subsection (5), in paragraph (b), omit “, or waters are”.

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**Textual Amendments**

- F1** Words in [reg. 8\(3\)](#) substituted (22.6.2018) by [The Radioactive Contaminated Land \(Enabling Powers and Modification of Enactments\) \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/429\)](#), regs. 1(3), [3\(3\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Radioactive Contaminated Land (Modification of Enactments)(England) Regulations 2006, Section 8.