

**EXPLANATORY MEMORANDUM TO**  
**THE RADIOACTIVE CONTAMINATED LAND (MODIFICATION OF**  
**ENACTMENTS) (ENGLAND) (AMENDMENT) REGULATIONS 2008**

**2008 No. 520**

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 This instrument makes technical amendments to the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006 (S.I. 2006/1379) (“the 2006 Regulations”).
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
4. **Legislative Background**
  - 4.1 The 2006 Regulations, as amended by the Radioactive Contaminated Land (Modification of Enactments) (England) (Amendment) Regulations 2007 (S.I. 2007/3245), modified the text in section 78YB of the Environmental Protection Act 1990 (“the 1990 Act”) so as to give that section effect in relation to radioactive contamination of land. The Environmental Permitting (England and Wales) Regulations 2007 (S.I. 2007/3538) (“the EP Regulations”) make a subsequent amendment to section 78YB of the 1990 Act so as substitute for subsections (1) to (2C) a new subsection (1) and to insert a subsection (5). These Regulations, which come into force alongside the EP Regulations, make a consequential amendment to the 2006 Regulations so as to reflect the changes made by the EP Regulations and thereby keep the wording and numbering of section 78YB of the 1990 Act and the modifications made to that text by the 2006 Regulations in line.
  - 4.2 These Regulations also correct a paragraph numbering error introduced into the 2006 Regulations by the Radioactive Contaminated Land (Modification of Enactments) (England) (Amendment) Regulations 2007.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**
  - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The EP Regulations, which come into force on 6 April 2008, introduce a single streamlined environmental permitting and compliance regime to apply in England and Wales. They do this by integrating the existing regimes covering waste management licensing (WML) and Pollution Prevention and Control (PPC). They intend to reduce the administrative burden of regulation on industry and regulators without compromising the environmental and human health standards previously delivered by these separate regimes.

7.2 The EP Regulations make various amendments to existing legislation in order to streamline and replace existing regimes covering waste management licensing and pollution prevention and control. These Regulations are technical in nature and make a consequential amendment to the 2006 Regulations (without changing their effect) to reflect the changes made to the 1990 Act by the EP Regulations.

## **8. Impact**

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

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