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STATUTORY INSTRUMENTS

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**2008 No. 521**

**The Radioactive Contaminated Land (Modification of Enactments) (Wales) (Amendment) Regulations 2008**

**Amendments**

**2.—**(1) The Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006<sup>(1)</sup> are amended as follows.

(2) In regulation 5(8) for—

“(c) after the definition of “unitary authority”, insert—”,  
substitute—

“(e) after the definition of “unitary authority”, insert—”.

(3) For regulation 17 of, substitute—

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

**17.—**(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.

(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.

(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 paragraph (2) of regulation 13 (implementation of emergency plans) of the Radiation (Emergency Preparedness and Public Information) Regulations 2001; 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 the Environmental Permitting (England and Wales) Regulations 2007 (in this subsection referred to as “the 2007 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 the 2007 Regulations.”.”(2).

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(2) In the inserted text “the 1965 Act” means the Nuclear Installations Act 1965 (c. 57).