

SCHEDULE 6

Regulation 80

CONSEQUENTIAL AMENDMENTS

PART 1

Public general acts

Nuclear Installations Act 1965

1.—(1) The Nuclear Installations Act 1965(1) is amended in accordance with sub-paragraphs (2) to (4).

(2) In section 3(14) (grant and variation of nuclear site licences)—

(a) in paragraph (b), omit “Scotland or”;

(b) after paragraph (b) insert—

“(c) in relation to a site in Scotland, has the same meaning as in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018.”.

(3) In section 4(3)(d) (attachment of conditions to licences) after “(S.I. 2016/1154)”, insert “or to the Environmental Authorisations (Scotland) Regulations 2018.”.

(4) In section 4(7)—

(a) in paragraph (b), omit “Scotland or”;

(b) after paragraph (b), insert—

“(c) in relation to a site in Scotland, has the same meaning as in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018.”.

Environmental Protection Act 1990

2.—(1) The Environmental Protection Act 1990(2) is amended in accordance with sub-paragraphs (2) to (4).

(2) For section 75(2)(b) (meaning of “waste”) substitute—

“(b) radioactive waste, as defined in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018, the disposal of which falls within one of the activities specified in column 1 of Part 1 of schedule 9 of those Regulations and can be carried on in accordance with the rules specified for that activity;”.

(3) In section 142(7) (powers to obtain information about potentially hazardous substances), for “Radioactive Substances Act 1993” substitute “Environmental Authorisations (Scotland) Regulations 2018”.

(4) In section 156(2) (power to give effect to EU and other international obligations etc.), for “Radioactive Substances Act 1993” substitute “Environmental Authorisations (Scotland) Regulations 2018”.

(1) 1965 c.57. Sections 3 and 4 are amended by the Energy Act 2013 (c.32) schedule 12 paragraph 18.

(2) 1990 c.43. Section 75(2) is amended by the Waste (Scotland) Regulations 2011 (S.S.I. 2011/226) regulation 2(12). Section 142 is amended by (1) the Explosives Regulations 2014 (S.I. 2014/1638) schedule 13 paragraph 6(2) the Radioactive Substances Act 1993 (c.12) schedule 4 paragraph 8(3) the Human Medicines Regulations 2012 (S.I. 2012/1916) schedule 34 paragraph 41 and (4) the Veterinary Medicines Regulations 2006 (S.I. 2006/2407) schedule 9 paragraph 8(b). Section 156 is amended by (1) the Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043) Article 6(1)(e) and (2) the Radioactive Substances Act 1993 (c.12) schedule 4 paragraph 9.

Environment Act 1995

3. In section 42(3)(b) (Approval of charging schemes) of the Environment Act 1995(3)—
- (a) for “under section 13(1) of the Radioactive Substances Act 1993” substitute “for radioactive substances activities under the Environmental Authorisations (Scotland) Regulations 2018”; and
 - (b) for “that Act” substitute “those Regulations”.

Food Standards Act 1999

4. In schedule 3 (the Food Standard Agency’s functions under other enactments) of the Food Standards Act 1999(4) for paragraph 21 substitute—

“21.—(1) The Agency has the right to be consulted on the determination of any application for the grant or variation of an authorisation (including of any conditions to which the authorisation may be subject) under the Environmental Authorisations (Scotland) Regulations 2018 for the disposal of radioactive waste from any premises situated on a nuclear site.

(2) In sub-paragraph (1), “nuclear site” has the same meaning as in paragraph 4(1) of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018.”.

Energy Act 2004

5. For section 10(2)(b) (powers for carrying out functions) of the Energy Act 2004(5) substitute—
- “(b) power to apply for and hold authorisations (within the meaning of the Environmental Authorisations (Scotland) Regulations 2018) that relate to radioactive substances activities (within the meaning given in regulation 4 of those Regulations);”.

PART 2

Subordinate legislation

Special Waste Regulations 1996

- 6.—(1) The Special Waste Regulations 1996(6) are amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 1(4) (citation, commencement, extent, application and interpretation), for sub-paragraph (b) in the definition of “waste” substitute—

“(b) radioactive waste within the meaning of paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018 which can be managed in accordance with the general binding rules specified in schedule 9 of those Regulations (whether or not the management of the radioactive waste requires to be notified in accordance with those Regulations);”.

(3) 1995 c.25. Section 42(3) is amended by (1) the Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), regulation 6(3), and (2) the Food Standards Act 1999 (c.28), schedule 5, paragraph 44(2)(a) and schedule 6, paragraph 1.

(4) 1999 c.28

(5) 2004 c.20

(6) S.I. 1996/972. Regulation 1(4) is amended by the Waste (Scotland) Regulations 2011 (S.S.I. 2011/226), regulation 6(2)(c). Regulation 3 is amended by the Special Waste Amendment (Scotland) Regulations 2004 (S.S.I. 2004/112), regulation 2(6).

(3) In regulation 3 (certain radioactive waste to be special waste), for “Radioactive Substances Act 1993” substitute “Environmental Authorisations (Scotland) Regulations 2018”.

Ionising Radiations Regulations 2017

7. For regulation 31(2)(b) (notification of certain occurrences) of the Ionising Radiations Regulations 2017(7) substitute—

“(b) in relation to Scotland was in accordance with an authorisation for a radioactive substances activity within the meaning given in regulation 4 of the Environmental Authorisations (Scotland) Regulations 2018.”.

Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000

8. In schedule 3 (accuracy classes for filling instruments) of the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000(8) for “section 2 of the Radioactive Substances Act 1993” substitute “paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018”.

Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003

9. In schedule 3 (requirements relating to use) of the Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003(9) for “section 2 of the Radioactive Substances Act 1993” substitute “paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018”.

Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003

10. In schedule 3 (requirements in respect of use and manner of use) of the Weighing Equipment (Automatic Catchweighing) Regulations 2003(10) for “section 2 of the Radioactive Substances Act 1993” substitute “paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018”.

Waste Management Licensing (Scotland) Regulations 2011

11.—(1) The Waste Management Licensing (Scotland) Regulations 2011(11) are amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation), for sub-paragraph (b) in the definition of “waste” substitute—

“(b) radioactive waste within the meaning of paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018 which can be managed in accordance with the general binding rules specified in schedule 9 of those Regulations (whether or not the management of the radioactive waste requires to be notified in accordance with those Regulations);”.

(3) In paragraph 38 of schedule 1 (activities exempt from waste management licensing), for “Radioactive Substances Act 1993”, substitute “Environmental Authorisations (Scotland) Regulations 2018”.

(7) [S.I. 2017/1075](#).

(8) [S.I. 2000/388](#).

(9) [S.I. 2003/2454](#).

(10) [S.I. 2003/2761](#).

(11) [S.S.I. 2011/228](#). Regulation 2(1) is relevantly amended by the Radioactive Substances Act 1993 Amendment (Scotland) Regulations 2011 ([S.S.I. 2011/207](#)).

Water Environment (Controlled Activities) (Scotland) Regulations 2011

12. In schedule 10 (transitional and savings provisions) of the Water Environment (Controlled Activities) (Scotland) Regulations 2011(**12**) for paragraph 18(c)(ii) substitute—

“(ii) a permit or registration under the Environmental Authorisations (Scotland) Regulations 2018;”.

Environmental Regulation (Significant Environmental Harm) (Scotland) Order 2014

13.—(1) The Environmental Regulation (Significant Environmental Harm) (Scotland) Order 2014(**13**) is amended in accordance with sub-paragraphs (2) and (3).

(2) In the schedule (specified enactments), omit—

- (a) paragraph 7; and
- (b) paragraph 14.

(3) After paragraph 18 of the schedule insert—

“**19.** The Environmental Authorisations (Scotland) Regulations 2018.”.

Environmental Regulation (Relevant Offences) (Scotland) Order 2014

14.—(1) The Environmental Regulation (Relevant Offences) (Scotland) Order 2014(**14**) is amended in accordance with sub-paragraphs (2) to (5).

(2) In schedule 1 (relevant offences for the purposes of section 34 of the Regulatory Reform (Scotland) Act 2014 (compensation orders against persons convicted of relevant offences))—

- (a) omit paragraph 3; and
- (b) after paragraph 14 insert—

“**15.** An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

- (a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));
- (b) regulation 69(1)(b) (contravention of regulation 8);
- (c) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);
- (d) regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration);
- (e) regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit);
- (f) regulation 69(1)(f) (failure to comply with the requirements of a regulatory notice);
- (g) regulation 69(1)(g) (failure to comply with the requirements of a revocation notice);
- (h) regulation 69(1)(i) (failure to comply with an order of a court); and

(12) S.S.I. 2011/209. Paragraph 18 is relevantly amended by the Pollution Prevention and Control (Scotland) Regulations 2012 (S.S.I. 2012/360) schedule 11, paragraph 25(2).

(13) S.S.I. 2014/324.

(14) S.S.I. 2014/319.

- (i) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.”.

(3) In schedule 2 (relevant offences for the purposes of section 35 of the Regulatory Reform (Scotland) Act 2014 (fines: courts to consider financial benefits))—

- (a) omit paragraph 5; and
- (b) after paragraph 26 insert—

“27. An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

- (a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));
- (b) regulation 69(1)(b) (contravention of regulation 8);
- (c) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);
- (d) regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration);
- (e) regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit);
- (f) regulation 69(1)(f) (failure to comply with the requirements of a regulatory notice);
- (g) regulation 69(1)(g) (failure to comply with the requirements of a revocation notice);
- (h) regulation 69(1)(h) (failure to comply with an information notice without reasonable excuse);
- (i) regulation 69(1)(i) (failure to comply with an order by a court);
- (j) regulation 69(1)(j) (making a false, misleading or reckless statement);
- (k) regulation 69(1)(k) (making a false entry);
- (l) regulation 69(1)(l) (forging a document); and
- (m) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.”.

(4) In schedule 3 (relevant offences for the purposes of section 36 of the Regulatory Reform (Scotland) Act 2014 (power to order conviction etc. for offence to be publicised))—

- (a) omit paragraph 3; and
- (b) after paragraph 14, insert—

“15. An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

- (a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));
- (b) regulation 69(1)(b) (contravention of regulation 8);
- (c) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);
- (d) regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration);

- (e) regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit);
- (f) regulation 69(1)(f) (failure to comply with the requirements of a regulatory notice);
- (g) regulation 69(1)(g) (failure to comply with the requirements of a revocation notice);
- (h) regulation 69(1)(i) (failure to comply with an order by a court);
- (i) regulation 69(1)(j) (making a false, misleading or reckless statement);
- (j) regulation 69(1)(k) (making a false entry);
- (l) regulation 69(1)(l) (forging a document); and
- (m) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.”.

(5) In schedule 4 (relevant offences for the purposes of sections 38 and 39 of the Regulatory Reform (Scotland) Act 2014 (vicarious liability and liability where activity carried out by arrangement with another)), after paragraph 9 insert—

“**10.** An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

- (a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));
- (b) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);
- (c) regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration);
- (d) regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit);
- (e) regulation 69(1)(j) (making a false, misleading or reckless statement);
- (f) regulation 69(1)(k) (making a false entry);
- (g) regulation 69(1)(l) (forging a document); and
- (h) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.”.

The Environmental Regulation (Liability where Activity Carried Out by Arrangement with Another) (Scotland) Order 2014

15. In the schedule (specified activities) of the Environmental Regulation (Liability where Activity Carried Out by Arrangement with Another) (Scotland) Order 2014(**15**), after paragraph 5 insert—

“Radioactive substances activity

6.—(1) The carrying on of a radioactive substances activity.

(2) In this paragraph, “radioactive substances activity” has the same meaning as given in regulation 4 of the Environmental Authorisations (Scotland) Regulations 2018.”.

(15) S.S.I. 2014/323.

Environmental Regulation (Enforcement Measures) (Scotland) Order 2015

16.—(1) The Environmental Regulation (Enforcement Measures) (Scotland) Order 2015(16) is amended in accordance with sub-paragraphs (2) and (3).

(2) In schedule 4 (relevant offences and fixed penalty amounts), in the Table omit the rows which relate to—

- (a) section 32(1);
- (b) section 33(1), (2) and (3); and
- (c) section 34A(1) and (2),

of the Radioactive Substances Act 1993(17).

(3) In schedule 4, after the row “Regulation 41(5) (failing to produce a document or record)” insert the following rows to the Table—

“Environmental Authorisations (Scotland) Regulations 2018

Regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation))	YES	YES	YES	MEDIUM
Regulation 69(1)(b) (contravention of regulation 8)	YES	YES	YES	MEDIUM
Regulation 69(1)(c) (failure to comply with or contravention of a general binding rule)	YES	YES	YES	MEDIUM
Regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration)	YES	YES	YES	MEDIUM
Regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit)	YES	YES	YES	MEDIUM
Regulation 69(1)(f) (failure to comply with the requirements of a regulatory notice)	YES	YES	YES	MEDIUM
Regulation 69(1)(g) (failure to comply with the requirements of a revocation notice)	YES	YES	YES	MEDIUM
Regulation 69(1)(h) (failure to comply with an information notice)	YES	YES	YES	LOW
Regulation 69(1)(i) (failure to comply with an order of a court)	NO	NO	NO	
Regulation 69(1)(j) (making of a false, misleading or reckless statement)	YES	YES	YES	HIGH
Regulation 69(1)(k) (making a false entry)	YES	YES	YES	HIGH
Regulation 69(1)(l) (forging a document)	YES	YES	YES	HIGH
Regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the person caused or permitted a person to commit an offence—				
(a) under regulation 69(1)(a), (b), (c), (d), (e), (f) or (g)	YES	YES	YES	MEDIUM

(16) S.S.I. 2015/383.

(17) 1993 c.12.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Environmental Authorisations (Scotland) Regulations 2018 No. 219

(b)	under regulation 69(1)(h)	YES	YES	YES	LOW
(c)	under regulation 69(1)(j), (k), or (l).	YES	YES	YES	HIGH”.

Scottish Landfill Tax (Administration) Regulations 2015

17. In regulation 29(9) of the Scottish Landfill Tax (Administration) Regulations 2015(**18**) (bodies eligible for approval) for sub-paragraph (m) substitute—

“(m) a requirement imposed by the Environmental Authorisations (Scotland) Regulations 2018, or by a notice or order served, given, or made under those Regulations;”.

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

18. In entry 3(h) of the table in paragraph 2 of schedule 2 (descriptions of development and applicable thresholds and criteria for the purposes of the definition of “Schedule 2 development”) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017(**19**) for “Radioactive Substances Act 1993” substitute “Environmental Authorisations (Scotland) Regulations 2018”.

(18) S.S.I. 2015/3.

(19) S.S.I. 2017/102.