
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 202

**The Radioactive Contaminated Land
(Scotland) Amendment Regulations 2009**

Amendment of the Radioactive Contaminated Land (Scotland) Regulations 2007

2.—(1) The Radioactive Contaminated Land (Scotland) Regulations 2007(1) are amended as follows.

(2) In regulation 3 paragraph (a), after “insert” insert—

“(2ZA) Where this subsection applies, subsection (2) above does not apply and “contaminated land” means any land which appears to the appropriate Agency to be in such a condition, by reason of substances in, on or under the land, that—

- (i) significant harm is being caused or there is a significant possibility of such harm being caused; or
- (ii) significant pollution of the water environment is being caused or there is a significant possibility of such pollution being caused,

and, in determining whether any land appears to be such land, the appropriate Agency shall, subject to subsection (5) below, act in accordance with guidance issued by the Scottish Ministers in accordance with section 78YA below with respect to the manner in which that determination is to be made.

(2ZB) Subject to subsection (2ZC) below, subsection (2ZA) above applies in relation to—

- (i) harm; or
- (ii) pollution of the water environment;

attributable to any radioactivity possessed by any substance.

(2ZC) Subsection (2ZA) above does not apply to land contaminated by a nuclear occurrence.”;

(3) In regulation 3(e)(iii)—

(a) after “means,” insert “in relation to land contaminated by a nuclear occurrence,”;

(b) insert after “radon” where second occurring—

“and other than in relation to land contaminated by a nuclear occurrence, means, whether in solid or liquid form or in the form of a gas or vapour, any substance containing radionuclides which have resulted from the after effects of a radiological emergency or have been processed as part of a past practice or past work activity;”.

(4) For regulation 14, substitute—

“14. In section 78YA(4A) of the 1990 Act (supplementary provisions with respect to guidance by the Scottish Ministers), after “78A(2)” insert “, (2ZA)” and after “78B(2)” insert “, 78BB(4)”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
