
 S T A T U T O R Y I N S T R U M E N T S

1984 No. 863

**PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND**

The Control of Pollution (Radioactive Waste) Regulations 1984

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| <i>Made - - - -</i> | <i>22nd June 1984</i> |
| <i>Laid before Parliament</i> | <i>4th July 1984</i> |
| <i>Coming into Operation</i> | <i>26th July 1984</i> |

The Secretary of State, in exercise of his powers under section 30(5) of the Control of Pollution Act 1974(a), as applied by section 56(6) of that Act, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Control of Pollution (Radioactive Waste) Regulations 1984 and shall come into operation on 26th July 1984.

Interpretation

2. In these regulations—

“the 1960 Act” means the Radioactive Substances Act 1960(b);

“the 1974 Act” means the Control of Pollution Act 1974;

“radioactive waste” has the same meaning as in the 1960 Act.

Certain provisions of Part II of the 1974 Act to apply to radioactive waste

3. The provisions of the 1974 Act specified in Schedule 1 hereto shall have effect, without modification, in relation to any radioactive waste as they have effect in relation to any substance, article or other thing which is not radioactive waste.

Modification of 1960 Act

4. Section 9(1) of the 1960 Act (no account to be taken of radioactivity for the purposes of powers, duties and enforcement of other enactments) shall apply in relation to the provisions specified in Schedule 1 hereto and, accordingly, Parts I and II of Schedule 1 to that Act shall be modified by adding the entries set out in Schedule 2 hereto.

(a) 1974 c. 40.

(b) 1960 c. 34.

SCHEDULE 1

| Column 1 Provisions of Part II of the 1974 Act applied | Column 2 Subject matter of provisions |
|--|--|
| Section 31(1) so far as it defines "relevant waters" | Meaning of "relevant waters"; |
| Section 32(3) | Section 32(1) not to apply to certain discharges; |
| Section 34 | Consents for discharges of trade and sewage effluent etc. into rivers and coastal waters etc; |
| Section 35 | Reference to Secretary of State of certain appli- cations for consent; |
| Section 36 | Provisions supplementary to sections 34 and 35; |
| Section 37 | Revocation of consents and alteration and im- position of conditions; |
| Section 38 | Restriction on variation and revocation of con- sent and of previous variation; |
| Section 39 | Appeals to Secretary of State; |
| Section 40 | Transitional provisions relating to consents; |
| Section 42 | Power of Secretary of State to exempt applica- tions, consents and conditions etc. from pub- licity; |
| Section 54 | Exclusion of certain liability in respect of dis- charges etc. with consent; |
| Section 55 | Discharges by water authorities. |

SCHEDULE 2

New entries in Schedule 1 to the 1960 Act

1. In Part I (England and Wales) there shall be added as paragraph 8D the following:—
"8D. The following provisions of the Control of Pollution Act 1974, namely, section 31(1) (so far as it defines 'relevant waters'), and sections 32(3), 34 to 40, 42, 54 and 55";
2. In Part II (Scotland) there shall be added as paragraph 9B the following:—
"9B. The following provisions of the Control of Pollution Act 1974, namely, section 31(1) (so far as it defines 'relevant waters') and sections 32(3), 34 to 40, 42, 54 and 55."

Patrick Jenkin,
Secretary of State for the Environment.

19th June 1984.

Nicholas Edwards,
Secretary of State for Wales.

21st June 1984.

George Younger,
Secretary of State for Scotland.

22nd June 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The powers of Part II of the Control of Pollution Act 1974 (which relate to the pollution of water) do not apply to radioactive waste within the meaning of the Radioactive Substances Act 1960; but the Secretary of State may by regulations provide for any of those provisions to apply and may make consequential modifications of the 1960 Act.

These regulations bring discharges of radioactive waste within the scope of those provisions of Part II of the 1974 Act which are specified in Schedule 1 to the regulations, but in such a manner that no account will be taken of the radioactive properties of such waste, which will remain subject to control under the 1960 Act.

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