
 STATUTORY INSTRUMENTS

1985 No. 708

**PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND**
**The Control of Pollution (Radioactive Waste)
Regulations 1985**

<i>Made</i> - - - - -	<i>2nd May 1985</i>
<i>Laid before Parliament</i>	<i>15th May 1985</i>
<i>Coming into Operation</i>	<i>6th June 1985</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 1985 and shall come into operation on 6th June 1985.

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.—(1) 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.

(2) Regulation 4 of, and Schedule 2 to, the Control of Pollution (Radioactive Waste) Regulations 1984(c) are hereby revoked.

 (a) 1974 c. 40.

(b) 1960 c. 34.

(c) S.I. 1984/863.

SCHEDULE 1

Provision of Part II of 1974 Act applied	Subject matter of provisions
Section 31(1) (except so far as already applied), (2), (3), (7) and (9).	Control of pollution of rivers and coastal waters etc.
Section 32 (except so far as already applied).	Control of discharges of trade and sewage effluent etc. into rivers and coastal waters etc.
Section 41.	Registers.
Section 51.	Notice to abstain from certain agricultural practices.

SCHEDULE 2

New entries in Schedule 1 to the 1960 Act

1. In Part I (England and Wales) there shall be added as paragraph 8E, "8E The following provisions of the Control of Pollution Act 1974, namely, section 31(1) to (3), (7) and (9), and sections 32, 34 to 42, 51, 54 and 55."
2. In Part II (Scotland) there shall be added as paragraph 9B, "9B The following provisions of the Control of Pollution Act 1974, namely, section 31(1) to (3), (7) and (9), and sections 32, 34 to 42, 51, 54 and 55."

30th April 1985.

Patrick Jenkin,
Secretary of State for the Environment.

1st May 1985.

Nicholas Edwards,
Secretary of State for Wales.

2nd May 1985.

George Younger,
Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

The provisions 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. Other provisions of Part II were applied by the Control of Pollution (Radioactive Waste) Regulations 1984, and the new entries in Schedule 1 to the 1960 Act, which are set out in Schedule 2 to the regulations, comprise all the provisions applied by these regulations and those of 1984.

SI 1985/708
ISBN 0-11-056708-0

