
STATUTORY INSTRUMENTS

1991 No. 2539 (S.200)

PUBLIC HEALTH, SCOTLAND

The Control of Pollution (Radioactive Waste) (Scotland) Regulations 1991

<i>Made</i>	- - - -	<i>7th November 1991</i>
<i>Laid before Parliament</i>		<i>11th November 1991</i>
<i>Coming into force</i>	- -	<i>2nd December 1991</i>

The Secretary of State, in exercise of the powers conferred on him by section 30(5) of the Control of Pollution Act 1974⁽¹⁾, as applied by section 56(6) of that Act⁽²⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation commencement and extent

1. These Regulations may be cited as the Control of Pollution (Radioactive Waste) (Scotland) Regulations 1991, shall come into force on 2nd December 1991 and shall extend to Scotland only.

Interpretation

2. In these Regulations—

“the 1960 Act” means the Radioactive Substances Act 1960⁽³⁾;

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

“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 the Schedule to these Regulations⁽⁴⁾ shall have effect, without modification, in relation to any radioactive waste as they have effect in relation to effluent or other matter or substance which is not radioactive waste.

(1) 1974 c. 40. See also the definitions of “prescribed” and “regulations” in section 105(1) of the 1974 Act.

(2) Section 56 was substituted by the Water Act 1989 (c. 15), Schedule 23, paragraph 6.

(3) 1960 c. 34.

(4) Sections 30A to 51 and 53 to 56 were substituted by the Water Act 1989, Schedule 23, paragraphs 4, 5 and 6.

Status: This is the original version (as it was originally made).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

Modification of the 1960 Act

4. Part II of Schedule 1 to the 1960 Act is modified by the substitution for paragraph 9B(5) of the following paragraph:–

“**9B.** Sections 30A, 30B, 30D, 31(1) to (5) and (7) to (10), 31A, 32, 34 to 42, 46, 53, 55 and 56(1) to (4) of the Control of Pollution Act 1974.”.

Revocations

5. The Control of Pollution (Radioactive Waste) Regulations 1984(6), so far as still in force, and the Control of Pollution (Radioactive Waste) Regulations 1985(7) are hereby revoked.

St Andrew’s House,
Edinburgh
7th November 1991

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

(5) Paragraph 9B was inserted by S.I. 1985/708.

(6) S.I. 1984/863; regulation 4 of and Schedule 2 to these Regulations were revoked by S.I. 1985/708.

(7) S.I. 1985/708.

SCHEDULE

Regulation 3

Provisions of Part II of the 1974 Act applied	Subject matter of provisions
Section 30A	Waters to which Part II applies
Section 30B	Classification of quality of waters
Section 30D	General duties to achieve and maintain objectives etc.
Section 31(1) to (5) and (7) to (10)	Control of pollution of rivers and coastal waters etc.
Section 31A	Requirements to take precautions against pollution
Section 32	Control of discharges of trade and sewage effluent etc. into rivers and coastal waters etc.
Section 34	Consents for discharges of trade and sewage effluent etc.
Section 35	Reference to Secretary of State of certain applications for consent
Section 36	Provisions supplementary to sections 34 and 35
Section 37	Revocation of consents and alteration and imposition of conditions
Section 38	Restriction on variation and revocation of consent and of previous variation
Section 39	Appeals to Secretary of State
Section 40	Transitional provisions relating to consents
Section 41	Registers
Section 42	Power of Secretary of State to exempt applications, consents and conditions etc. from publicity
Section 46	Operations by river purification authorities to remedy or forestall pollution of water
Section 53	Charges in respect of consents etc.
Section 55	Discharges by islands councils
Section 56(1) to (4)	Interpretation etc. of Part II

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact for Scotland the substance of the Control of Pollution (Radioactive Waste) Regulations 1984 and 1985, taking into account changes made to Part II of the Control of Pollution Act 1974 by the Water Act 1989, Schedule 23.

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

These Regulations bring radioactive waste within the scope of those provisions of Part II of the 1974 Act which are specified in the Schedule 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.

Regulation 4 substitutes a new paragraph 9B in Part II of Schedule I to the 1960 Act, comprising references to the provisions applied by these Regulations.