

SCHEDULE 2

Regulation 16

Consequential amendments

PART 1

Public General Acts

Continental Shelf Act 1964

1. In section 7 of the Continental Shelf Act 1964(1)(radioactive substances), omit—
 - (a) “for the purposes of the Radioactive Substances Act 1993 (and any orders and regulations made thereunder), or”, and
 - (b) “of that Act or”.

Control of Pollution Act 1974

2. In section 30(5)(b) of the Control of Pollution Act 1974 (power to apply Part 1 of that Act to radioactive waste)(2) omit “the Radioactive Substances Act 1993,”.

PART 2

Subordinate legislation

The Civil Jurisdiction (Offshore Activities) Order 1987

1. In article 4 of the Civil Jurisdiction (Offshore Activities) Order 1987(3), (the title to which article becomes “Application of the Wireless Telegraphy Act 1949 and the Environmental Permitting (England and Wales) Regulations 2010”), omit the words “the Radioactive Substances Act 1993, any regulations or orders under either of those Acts (subject, however, in the case of such regulations or orders made hereafter, to any contrary intention appearing therein) and”.

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

2. In Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(4), in paragraph 3(g) of the table, in column 2, for “paragraph 5(2)(b)” substitute “paragraph 11(2)(b)”.

The Hazardous Waste (England and Wales) Regulations 2005

- 3.—(1) The Hazardous Waste (England and Wales) Regulations 2005(5) are amended as follows.
 - (2) In regulation 5(1), insert the following definition after the definition of “radioactive substances activity”—

(1) 1964 c. 29; section 7 amended by the Radioactive Substances Act 1993 (c. 12), the Petroleum Act 1998 (c. 17) and S.I. 2010/675.

(2) 1974 c. 40. Section 30 was prospectively repealed by the Environmental Protection Act 1990 (c. 43), section 162 and Schedule 16, Part 2, on a date to be appointed, and amended by S.I. 2010/675.

(3) S.I. 1987/2197, amended by S.I. 2010/675.

(4) S.I. 1999/293.

(5) S.I. 2005/894; regulations 5(1) and 15(1) were amended by S.I. 2010/675.

Status: This is the original version (as it was originally made).

“radioactive substances exemption” has the meaning given in regulation 2(1) of the Environmental Permitting Regulations;”.

(3) In regulation 15(1)(a), for “section 15 of the Radioactive Substances Act 1993”, substitute “a radioactive substances exemption”.

The Hazardous Waste (Wales) Regulations 2005

4. The Hazardous Waste (Wales) Regulations 2005⁽⁶⁾ are amended as follows

(a) in regulation 5(1) (general interpretation), insert the following definition after the definition of “radioactive substances activity”—

“radioactive substances exemption” has the meaning given in regulation 2(1) of the Environmental Permitting Regulations;” and

(b) in regulation 15(1)(a) (radioactive waste), for “section 15 of the Radioactive Substances Act 1993”, substitute “a radioactive substances exemption”.

The Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007

5. Regulation 6(2)(h) of the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007⁽⁷⁾ (duty of competent authorities) is omitted.

The Waste (England and Wales) Regulations 2011

6.—(1) Regulation 47 of the Waste (England and Wales) Regulations 2011⁽⁸⁾ (radioactive waste) is amended as follows.

(2) For paragraph (1), substitute—

“(1) This regulation applies to radioactive waste—

(a) which is a specified waste; and

(b) in respect of which a person—

(i) is carrying on a radioactive substances activity described in paragraph 11(2) (b) or (c) or (4) of Part 2 of Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010; and

(ii) is exempt from the requirement for an environmental permit under regulation 12(3) of those Regulations for that activity.”.

(3) In paragraph (4)—

(a) in the definition of “radioactive waste” and “radioactive substances activity” for “paragraphs 4 and 5” substitute “paragraphs 3 and 11”;

(b) omit the definition of “specified order”;

(c) insert the following definitions in the appropriate place alphabetically—

“radioactive substances exemption” means an exemption under Part 7 of Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010 from the requirement for an environmental permit under regulation 12 of those regulations in respect of a radioactive substances activity;”

“specified waste” means—

⁽⁶⁾ [S.I. 2005/1806 \(W 138\)](#); regulations 5(1) and 15(1) were amended by [S.I. 2010/675](#).

⁽⁷⁾ [S.I. 2007/1842](#).

⁽⁸⁾ [S.I. 2011/988](#).

- (a) NORM waste (as that term is defined in Part 7 of Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010; or
- (b) the waste described in the first, second or sixth row of column 1 of table 6 in Part 7 of Schedule 23 to the Environmental Permitting (England and Wales) Regulations 2010.”.