

SCHEDULE 23

Radioactive substances activities

PART 2

Interpretation

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1.—(1) In this Schedule—

“article” includes a part of an article;

“Bq” means becquerels;

“contamination” occurs where a substance or article is so affected by—

- (a) absorption, admixture or adhesion of radioactive material or radioactive waste, or
- (b) the emission of neutrons or ionising radiation,

as to become radioactive or to possess increased radioactivity;

“disposal” in relation to waste includes its removal, deposit, destruction, discharge (whether into water or into the air or into a sewer or drain or otherwise) or burial (whether underground or otherwise) and “dispose of” is to be construed accordingly;

“m”, where it appears after a radionuclide, means a radionuclide in a metastable state of radioactive decay in which gamma photons are emitted;

“mobile radioactive apparatus” means any apparatus, equipment, appliance or other thing which is radioactive material and—

- (a) is constructed or adapted for being transported from place to place, or
- (b) is portable and designed or intended to be used for releasing radioactive material into the environment or introducing it into organisms;

“nuclear site” means—

- (a) any site in respect of which a nuclear site licence is for the time being in force, or
- (b) any site in respect of which, after the revocation or surrender of a nuclear site licence, the period of responsibility of the licensee has not yet come to an end,

and “licensee”, when used in relation to a nuclear site, and “period of responsibility” have the same meaning as in the Nuclear Installations Act 1965 ^{M1};

“premises” includes any land, whether covered by buildings or not, including any place underground and any land covered by water;

“relevant liquid” means a liquid which—

- (a) is non-aqueous, or
- (b) is classified (or would be so classified in the absence of its radioactivity) under Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures ^{M2} as having any of the following hazard classes and hazard categories (as defined in that Regulation)—
 - (i) acute toxicity: categories 1, 2 or 3,
 - (ii) skin corrosion/irritation: category 1 corrosive, sub-categories: 1A, 1B or 1C, or
 - (iii) hazardous to the aquatic environment: acute category 1 or chronic categories 1 or 2;

Changes to legislation: *The Environmental Permitting (England and Wales) Regulations 2016, Paragraph 1 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour;

“Table 1”, “Table 2”, “Table 3” mean the tables with those numbers in Part 3 of this Schedule;

“undertaking” includes any trade, business or profession and—

- (a) in relation to a public or local authority, includes any of the powers or duties of that authority;
- (b) in relation to any other body of persons (whether corporate or unincorporate), includes any of the activities of that body;

“waste” should be construed in accordance with paragraph 3(2).

(2) In this Schedule, where any reference is made to a substance or article possessing a concentration or quantity of radioactivity which exceeds the value specified in a column in either of Tables 1 and 2, [F1 or any of Tables 4A, 5 or 7] in Part 6 of this Schedule, that value is exceeded if—

- (a) where only one radionuclide which is listed or described in the relevant table is present in the substance or article, the concentration or quantity of that radionuclide exceeds the concentration or quantity specified in the appropriate entry of that column in that table, or
- (b) where more than one radionuclide which is listed or described in the relevant table is present, the sum of the quotient values of all such radionuclides in the substance or article, as determined by the summation rule following the table (as it applies to that column), is greater than one,

and any reference to a concentration or quantity of radioactivity not exceeding such a value shall be construed accordingly.

Textual Amendments

F1 Words in Sch. 23 Pt. 2 para. 1(2) substituted (2.5.2018) by [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/428\)](#), reg. 1, **Sch. para. 2**

Marginal Citations

M1 [1965 c. 57](#); the definition of “period of responsibility” was substituted by paragraph 20 of Part 2 of Schedule 12 to the [Energy Act 2013 \(c. 32\)](#).

M2 OJ No L 353, 31.12.2008, p 1, as last amended by Commission Regulation (EU) No 1297/2014 (OJ No L 350, 6.12.2014, p 1).

Changes to legislation:

The Environmental Permitting (England and Wales) Regulations 2016, Paragraph 1 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 2(3) inserted by [S.I. 2023/1156 reg. 2\(6\)](#)
- Sch. 9 Pt. 2 para. 4(5)(aa) inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(6A) inserted by [S.I. 2023/1156 reg. 2\(7\)\(e\)](#)
- Sch. 9 Pt. 2 para. 5(6)(aa) inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(6A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(d\)](#)
- Sch. 9 Pt. 2 para. 5(7A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(11) inserted by [S.I. 2023/1156 reg. 2\(8\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(1)(ba) inserted by [S.I. 2023/1156 reg. 2\(9\)\(d\)](#)
- Sch. 9 Pt. 2 para. 6(1)(h) inserted by [S.I. 2023/1156 reg. 2\(9\)\(h\)](#)
- Sch. 9 Pt. 2 para. 8 inserted by [S.I. 2023/1156 reg. 2\(12\)](#)
- Sch. 9 Pt. 2 para. 7(3)(d)-(f) omitted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(f)-(h) omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(vi\)](#)
- Sch. 9 Pt. 2 para. 7(5) omitted by [S.I. 2023/1156 reg. 2\(11\)\(d\)](#)
- Sch. 9 Pt. 2 para. 2(2)(a) substituted by [S.I. 2023/1156 reg. 2\(5\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(2) substituted by [S.I. 2023/1156 reg. 2\(7\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(2) substituted by [S.I. 2023/1156 reg. 2\(8\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(8) substituted by [S.I. 2023/1156 reg. 2\(8\)\(g\)](#)
- Sch. 9 Pt. 2 para. 6(1)(b) substituted by [S.I. 2023/1156 reg. 2\(9\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(f) substituted by [S.I. 2023/1156 reg. 2\(9\)\(f\)](#)
- Sch. 9 Pt. 2 para. 4(6)(a)-(j) substituted for Sch. 9 Pt. 2 para. 4(6)(a)-(d) by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(8)(9) substituted for Sch. 9 Pt. 2 para. 4(8) by [S.I. 2023/1156 reg. 2\(7\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(2)(b) word inserted by [S.I. 2023/1156 reg. 2\(5\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word inserted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(6) word omitted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(bb\)](#)
- Sch. 9 Pt. 2 para. 5(7) word omitted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word omitted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) word substituted by [S.I. 2023/1156 reg. 2\(4\)\(a\)](#)
- Sch. 9 Pt. 2 para. 2(2) word substituted by [S.I. 2023/1156 reg. 2\(5\)\(a\)](#)
- Sch. 9 Pt. 2 para. 4(3) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(6) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(aa\)](#)
- Sch. 9 Pt. 2 para. 1(2) words inserted by [S.I. 2023/1156 reg. 2\(3\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(b\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(5)(b) words inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(6)(b) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(7) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(iv\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(v\)](#)
- Sch. 9 Pt. 2 para. 6(1) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(a\)](#)
- Sch. 9 Pt. 2 para. 6(1)(a) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(b\)](#)

- Sch. 9 Pt. 2 para. 6(1)(c) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(1)(d) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(1)(e) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(2)(a) words inserted by [S.I. 2023/1156 reg. 2\(10\)\(a\)](#)
- Sch. 9 Pt. 2 para. 7(2)(a) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(a\)](#)
- Sch. 9 Pt. 2 para. 7(3)(a) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(i\)](#)
- Sch. 9 Pt. 2 para. 7(3)(c) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(c) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(iv\)](#)
- Sch. 9 Pt. 2 para. 7(4)(e) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(v\)](#)
- Sch. 9 Pt. 2 para. 2(1) words omitted by [S.I. 2023/1156 reg. 2\(4\)\(d\)](#)
- Sch. 9 Pt. 2 para. 7(4) words omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(c\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(e\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(f\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(7) words substituted by [S.I. 2023/1156 reg. 2\(7\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(5) words substituted by [S.I. 2023/1156 reg. 2\(8\)\(b\)](#)
- Sch. 9 Pt. 2 para. 5(10) words substituted by [S.I. 2023/1156 reg. 2\(8\)\(h\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) words substituted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(2)(b) words substituted by [S.I. 2023/1156 reg. 2\(10\)\(b\)](#)
- Sch. 9 Pt. 2 para. 7(4)(a) words substituted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(b) words substituted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(iii\)](#)