

**2010 No. 2147**

**ENVIRONMENTAL PROTECTION, ENGLAND**

**The Radioactive Contaminated Land (Enabling Powers and  
Modification of Enactments) (England) (Amendment)  
Regulations 2010**

*Made* - - - - *23rd August 2010*

*Laid before Parliament* *2nd September 2010*

*Coming into force in accordance with regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 78A(9) and 78YC of the Environmental Protection Act 1990(a):

**Citation and commencement**

1.—(1) These Regulations may be cited as the Radioactive Contaminated Land (Enabling Powers and Modification of Enactments) (England) (Amendment) Regulations 2010.

(2) Regulation 2 comes into force on 29th September 2010.

(3) Regulation 3 comes into force on 30th September 2010.

**Amendments**

2.—(1) The Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005(b) are amended as follows.

(2) For paragraph 1(8)(b) of Schedule 1 (modification of Part 2A), substitute—

“(b) for the definition of “substance”, substitute—

““substance” means, whether in solid or liquid form or in the form of a gas or vapour, any substance containing radionuclides which have resulted from the after-effects of a radiological emergency or have been processed as part of a past practice or past work activity;”.

3.—(1) The Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006(c) are amended as follows.

(2) For paragraph (8)(d) of regulation 5(d) (section 78A (preliminary)), substitute—

“(b) for the definition of “substance”, substitute—

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(a) 1990 c. 43. Sections 78A to 78YC were inserted by section 57 of the Environment Act 1995 (c. 25). See the definition of “prescribed” and “regulations” in section 78A(9). There are amendments to these sections not relevant to these Regulations.

(b) S.I. 2005/3467.

(c) S.I. 2006/1379, as amended by S.I. 2007/3245. S.I. 2008/520 also amended S.I. 2006/1379 but is not relevant for the purposes of these Regulations.

(d) Regulation 5 of S.I. 2006/3245 was substituted under regulation 3(2) of S.I. 2007/3245.

““substance” means, whether in solid or liquid form or in the form of a gas or vapour, any substance containing radionuclides which have resulted from the after-effects of a radiological emergency or have been processed as part of a past practice or past work activity;”.”.

## **Revocation**

**4.—**(1) The Radioactive Contaminated Land (Modification of Enactments) (England) (Amendment) Regulations 2007(**a**) are revoked as follows.

(2) In regulation 3(2), omit substituted regulation 5(8)(d) (definition of “substance”).

23rd August 2010

*Charles Hendry*  
Minister of State,  
Department of Energy and Climate Change

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005 (S.I. 2005/3467) and the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006 (S.I. 2006/1379) in relation to the modifications made to section 78A of the Environmental Protection Act 1990 (c. 43) by those Regulations. The amendments made by these Regulations substitute a new definition of “substance” for the purposes of that section.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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(a) S.I. 2007/3245.

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