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STATUTORY INSTRUMENTS

2006 No. 1381

ENVIRONMENTAL PROTECTION, ENGLAND

**The Environmental Protection Act 1990 (Isles of Scilly) Order
2006**

<i>Made</i>	- - - -	<i>17th May 2006</i>
<i>Laid before Parliament</i>		<i>23rd May 2006</i>
<i>Coming into force</i>	- -	<i>4th August 2006</i>

The Secretary of State, after consultation with the Council of the Isles of Scilly, makes the following Order in exercise of the powers conferred on him by section 78Y(2) of the Environmental Protection Act 1990(a) and section 117(2) and (3) of the Environment Act 1995(b):

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Environmental Protection Act 1990 (Isles of Scilly) Order 2006 and comes into force on 4th August 2006.

(2) In this Order—

“the Act” means the Environmental Protection Act 1990; and

“Part 2A” means Part 2A of the Act.

Application of Part 2A to the Isles of Scilly

2.—(1) In so far as Part 2A applies and has effect with certain modifications in relation to and for the purposes of dealing with harm attributable to any radioactivity possessed by any substance(c), Part 2A applies to the Isles of Scilly, with the modification that in section 78A(9) of the Act, in the definition of “local authority”, after paragraph (c) there is inserted—

“(d) the Council of the Isles of Scilly;”.

Functions of the Environment Agency to be carried out in the Isles of Scilly

3. Sections 108(d) to 110 (which make provision for powers to enter and deal with pollution on property) and 124 (general interpretation) of the Environment Act 1995 apply in relation to the

(a) 1990 c.43. Sections 78A to 78YC were inserted by the Environment Act 1995 (c.25), section 57.

(b) 1995 c. 25.

(c) By virtue of S.I. 2005/3467 and S.I. 2006/1380.

(d) Section 108 was amended by the Anti-Social Behaviour Act 2003 (c. 38), section 55(6) to (9), S.I. 2000/1973, regulation 39 and Schedule 10, Part 1, paragraphs 14 and 16, and, in relation to England, the Clean Neighbourhoods and Environment Act 2005 (c. 16), section 53.

Isles of Scilly in so far as they relate to the functions conferred on the Environment Agency by virtue of article 2(1).

Ian Pearson
Minister of State,

17th May 2006

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies Part 2A of the Environmental Protection Act 1990 (“Part 2A”) to the Isles of Scilly, in so far as that Part applies in relation to harm attributable to radioactivity possessed by any substance. The Order also applies the Environment Agency’s powers under sections 108 to 110 of the Environment Act 1995 to the Isles of Scilly, in so far as those powers relate to functions under Part 2A. This Order transposes articles 48 and 53 of Council Directive 1996/29/Euratom (OJ No L 159, 29.06.1996, p.1) laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation in relation to the Isles of Scilly.

A Regulatory Impact Assessment and Transposition Note in relation to the application of Part 2A to harm attributable to radioactivity have been prepared and placed in the library of each House of Parliament. Copies of each of these documents can be obtained from the Radioactive Substances Division, Department for Environment, Food and Rural Affairs, Zone 3/G27, Ashdown House, 123 Victoria Street, London, SW1E 6DE.

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