

1989 No. 1158

WATER, ENGLAND AND WALES

**The Control of Pollution (Radioactive Waste)
Regulations 1989**

Made - - - - - *6th July 1989*
Laid before Parliament *7th July 1989*
Coming into force - *1st September 1989*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 123 of the Water Act 1989(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:-

Citation and commencement

1. These Regulations may be cited as the Control of Pollution (Radioactive Waste) Regulations 1989 and shall come into force on 1st September 1989.

Interpretation

2. In these Regulations-

- "the 1960 Act" means the Radioactive Substances Act 1960(b);
- "the 1989 Act" means the Water Act 1989; and
- "radioactive waste" has the same meaning as in the 1960 Act.

Certain provisions of the 1989 Act to apply to radioactive waste

3. The provisions of Chapter I of Part III of the 1989 Act specified in the Schedule to these Regulations shall have effect, without modification, in relation to any radioactive waste as they have effect in relation to any effluent or other matter or substance which is not radioactive waste.

Modification of the 1960 Act

4. Section 9(1) of the 1960 Act (no account to be taken of radioactivity for the purposes of powers, duties and enforcement of other enactments) shall apply in relation to the provisions specified in the Schedule to these Regulations and, accordingly, Part I of Schedule 1 to that Act is modified by the insertion after paragraph 8F of the following paragraph—

"8G. Sections 104, 106, 107, 110, 113, 115 and 117 to 120 of the Water Act 1989."

(a) 1989 c.15; and see the definition of "prescribed" in section 189(1).

(b) 1960 c.34; sections 8(2), 9 and 19(1) and Part I of Schedule 1 were amended by the Water Act 1989, Schedule 25, paragraph 27.

Signed by Authority of the Secretary of State.

6th July 1989

Michael Howard
Minister for Water and Planning,
Department of the Environment

6th July 1989

Peter Walker
Secretary of State for Wales

SCHEDULE

Regulation 3

*Provisions of Chapter I
of Part III of the
1989 Act applied*

Subject matter of provisions

Section 104	Classification of quality of waters
Section 106	General duties to achieve and maintain objectives etc.
Section 107	Offences of polluting controlled waters etc.
Section 110	Requirements to take precautions against pollution
Section 113	Consents under Chapter I and application to the Authority
Section 115	Anti-pollution works and operations
Section 117	Registers for the purposes of Chapter I
Section 118	Information and assistance
Section 119	Exchange of information with respect to pollution incidents etc.
Section 120	Local inquiries for the purposes of Chapter I

EXPLANATORY NOTE

(This note is not part of the Regulations)

The provisions of Chapter I of Part III of the Water Act 1989 (which relate to the pollution of water) 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 those provisions to apply and may make consequential modifications of the 1960 Act.

These Regulations bring radioactive waste within the scope of those provisions of Chapter I of Part III of the 1989 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 inserts a new paragraph 8G in Part I of Schedule 1 to the 1960 Act, comprising references to the provisions applied by these Regulations. That Part already includes (by virtue of paragraph 27(4) of Schedule 25 to the 1989 Act) references to section 111 of, and paragraph 57(2)(b) of Schedule 26 to, the 1989 Act.

50p net

ISBN 0 11 097158 2

Printed in the United Kingdom for Her Majesty's Stationery Office

850 WO1118 C19 7/89 452/3 4235 46378 891668E