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STATUTORY INSTRUMENTS

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**2010 No. 2146**

**ENVIRONMENTAL PROTECTION, WALES**

**The Radioactive Contaminated Land (Modification of Enactments) (Wales) (Amendment) Regulations 2010**

*Made* - - - - *23rd August 2010*  
*Laid before Parliament* *2nd September 2010*  
*Coming into force* - - *30th September 2010*

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(1):

**Citation and commencement**

1. These Regulations may be cited as the Radioactive Contaminated Land (Modification of Enactments) (Wales) (Amendment) Regulations 2010 and come into force on 30th September 2010.

**Amendment**

2.—(1) The Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006(2) are amended as follows.

(2) For paragraph (8)(d) of regulation 5(3) (section 78A (preliminary)) substitute—

“(d) 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;””.

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- (1) 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). In relation to Wales, the powers under these sections were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 38). The Secretary of State’s power to act in relation to Wales under section 78YC is preserved by paragraph 5 of Schedule 3 to the Government of Wales Act 2006 for the purpose of implementing obligations under Articles 48 and 53 of Council Directive 96/29/Euratom.
- (2) S.I. 2006/2988 (W.277) as amended by S.I. 2007/3250. S.I. 2008/521 also amended S.I. 2006/2988 (W.277) but is not relevant for the purposes of these Regulations.
- (3) Regulation 5 of S.I. 2006/2988 (W.277) was substituted under regulation 3(3) of S.I. 2007/3250.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **Revocation**

**3.—(1)** The Radioactive Contaminated Land (Modification of Enactments) (Wales) (Amendment) Regulations 2007<sup>(4)</sup> are revoked as follows.

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

23rd August 2010

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

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<sup>(4)</sup> [S.I. 2007/3250](#).

## EXPLANATORY NOTE

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

These Regulations further amend the Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006 (S.I. 2006/2988 (W.277)) 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.