

SCHEDULE 2

Further amendments

PART 2

Secondary legislation

The Radioactive Contaminated Land (Scotland) Regulations 2007

11.—(1) The Radioactive Contaminated Land (Scotland) Regulations 2007(1) are amended as follows.

(2) In regulation 1(3) (interpretation), in the definition of “land contaminated by a nuclear occurrence”—

- (a) in paragraph (a), after “7,” insert “7B,”;
- (b) in paragraph (b), for “7(1)(a) or (b)” substitute “7(1A)(b) or (1C)(b)”;
- (c) in paragraph (b), for “10(1)” substitute “10(1)(b)”;
- (d) after paragraph (b) (and before the “or”) insert—

“(ba) damage caused by preventive measures taken after a breach of a duty imposed by section 7, 7B, 8, 9 or 10 of the 1965 Act in respect of which a claim for compensation may be made under section 11H(2) of the 1965 Act or could have been made if section 11H(4) of the 1965 Act had not been enacted;”;

- (e) in paragraph (c)(i), for “16(1) and (2)” substitute “16(1), (1ZA), (1ZB), (2), (3B) or (3C)”.

(3) In regulation 3(a) (insertion of section 78A(2ZA) to (2A) of the Environmental Protection Act 1990), in the inserted section 78A(2A) (definition of “land contaminated by a nuclear occurrence”)—

- (a) in paragraph (a), after “7,” insert “7B,”;
- (b) in paragraph (b), for “7(1)(a) or (b)” substitute “7(1A)(b) or (1C)(b)”;
- (c) in paragraph (b), for “10(1)” substitute “10(1)(b)”;
- (d) after paragraph (b) (and before the “or”) insert—

“(ba) damage caused by preventive measures taken after a breach of a duty imposed by section 7, 7B, 8, 9 or 10 of the 1965 Act in respect of which a claim for compensation may be made under section 11H(2) of the 1965 Act or could have been made if section 11H(4) of the 1965 Act had not been enacted;”;

- (e) in paragraph (c)(i), for “16(1) and (2)” substitute “16(1), (1ZA), (1ZB), (2), (3B) or (3C)”.

(4) In regulation 15 (modification of section 78YB of the Environmental Protection Act 1990)—

- (a) after the inserted section 78YB(5) insert—

“(5A) This Part does not apply in respect of contaminated land within a relevant disposal site.”;

- (b) after the inserted section 78YB(6) insert—

“(6A) This Part does not apply in respect of contaminated land within a site used by the Secretary of State for Defence for a purpose which, if section 7B of the 1965 Act applied to the Crown, would cause the site to be a relevant disposal site.”;

(1) [S.I. 2007/179](#). Regulations 1(3), 3 and 15 were substituted by [S.I. 2007/3240](#), regulation 3(2), (4) and (8) respectively. There are other amending instruments not relevant to this Order.

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

- (c) in the inserted section 78YB(8), for the definition of “nuclear site licence” and “period of responsibility” substitute—
- ““nuclear site licence”, “period of responsibility” and “relevant disposal site” have the meanings given by the 1965 Act.”.