

2018 No. (W.)

**EXITING THE EUROPEAN
UNION, WALES**

**ENVIRONMENTAL
PROTECTION, WALES**

**The Radioactive Contaminated
Land (Modification of Enactments)
(Wales) (Amendment) (EU Exit)
Regulations 2019**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in paragraph 1(1) of Schedule 2 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to the Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006 (“the 2006 Regulations”). Regulation 2 amends regulation 5 of the 2006 Regulations by inserting a new provision which modifies how the definition of “inspection” in Article 4(43) of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ No L 013, 17.1.2014, p. 1) is to be read for the purposes of the 2006 Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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Sift requirements satisfied ***

Made ***

Laid before the National Assembly for Wales

*Coming into force in accordance with
regulation 1*

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 to, the European Union (Withdrawal) Act 2018(1).

The requirements of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate National Assembly for Wales scrutiny procedure for these Regulations) have been satisfied.

Title and commencement

1. The title of these Regulations is the Radioactive Contaminated Land (Modification of Enactments) (Wales) (Amendment) (EU Exit) Regulations 2019 and they come into force on exit day.

**Amendment of the Radioactive Contaminated Land
(Modification of Enactments) (Wales) Regulations
2006**

2. In regulation 5 of the Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006⁽¹⁾ (section 78A (preliminary)), after paragraph (8) insert—

“(9) After subsection (9) insert—

(9A) When reading Council Directive 2013/59/Euratom for the purpose of subsection (9), article 4(43) of Council Directive 2013/59/Euratom is to be read as if, for the words “any competent authority”, there were substituted “the enforcing authority⁽²⁾”.

Name

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers

Date

(1) S.I. 2006/2988 (W. 277), amended by S.I. 2007/3250, 2008/521, 2010/2146, 2013/755 (W. 90), 2016/1154 and 2018/725 (W. 142). S.I. 2016/562 also makes amendments which are not yet in force.

(2) See section 78A(9) of the Environmental Protection Act 1990 (c. 43) for the meaning of “enforcing authority”.