

2006 No. 657

EUROPEAN COMMUNITIES

**The Nuclear Reactors (Environmental Impact Assessment for
Decommissioning) (Amendment) Regulations 2006**

<i>Made</i> - - - -	<i>8th March 2006</i>
<i>Laid before Parliament</i>	<i>16th March 2006</i>
<i>Coming into force</i> - -	<i>6th April 2006</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b), in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred upon him by section 2(2)(b) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Nuclear Reactors (Environmental Impact Assessment for Decommissioning)(Amendment) Regulations 2006 and shall come into force on 6th April 2006.

**Amendment of the Nuclear Reactors (Environmental Impact Assessment for
Decommissioning) Regulations 1999**

2.—(1) The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999(c) shall be amended as follows.

(2) In regulation 2(1), before the definition of “the consultation bodies” insert—

““any particular person” includes any non-governmental organisation promoting environmental protection;”

(3) At the end of regulation 3(3), add “where the Secretary of State is of the opinion that application of these Regulations would have an adverse effect on the defence purposes of the project”.

(4) In regulation 4(b), omit the words “in accordance with regulation 8(3)”.

(5) In regulation 8(2)—

- (a) in sub-paragraph (b), omit the word “and”;
- (b) at the end of sub-paragraph (c), insert “and”; and
- (c) insert after paragraph (c)—

(a) S.I. 1988/785. See also the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).
(b) 1972 c.68.
(c) S.I. 1999/2892.

“(d) shall inform any particular person who they are aware is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of a local advertisement, by sending them a notice that contains those details set out in regulation 9(1) (i) and (j).”

(6) In regulation 9(1),

- (a) in sub-paragraph (h) omit “and”;
- (b) at the end of sub-paragraph (i), insert “and”; and
- (c) insert after paragraph (i) —

“(j) that the project is subject to an environmental impact assessment procedure;”.

(7) In regulation 11(c)—

- (a) for sub-paragraph (ii) substitute “the main reasons and considerations on which the decision is based, including information about the public participation process;”;
- (b) at the end of sub-paragraph (iii), insert “; and”; and
- (c) after sub-paragraph (iii), insert—

“(iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.”

(8) In regulation 12(6), for “paragraph (3)” substitute “paragraph (5)”.

(9) In regulation 13(1), for “with the project” substitute “with the change or extension to the project and any other part of the project that the Executive may direct”.

(10) For regulation 14, substitute—

“**14.** Nothing in these Regulations shall require the disclosure by a body of information that it is entitled not to disclose under regulations 12 and 13 of the Environmental Information Regulations 2004^(a) or regulations 10 and 11 of the Environmental Information (Scotland) Regulations 2004^(b).”

Signed by authority of the Secretary of State for Work and Pensions.

Philip Hunt
Parliamentary Under Secretary of State,
Department for Work and Pensions

8th March 2006

(a) S.I. 2004/3391.
(b) S.S.I. 2004/520.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (S.I. 1999/2892).

2. Regulation 2(2), (3), (5)-(7), and (9) implement Council Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (O.J. L156, 25.6.2003, p. 17).

3. Regulation 2(4) and (8) correct drafting errors.

4. Regulation 2(9) provides for the licensee to stop the part of the project that is subject to change in addition to any other part (including the entire project) that the Executive may direct.

5. Regulation 2(10) replaces the reference to the Environmental Information Regulations 1992 (S.I. 1992/3240) with a reference to the Environmental Information Regulations 2004 (S.I. 2004/3391) and the Environmental Information (Scotland) Regulations 2004 (S.S.I. 2004/520).

6. A copy of the regulatory impact assessment prepared in respect of these Regulations may be obtained from the Health and Safety Executive, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the library of each House of Parliament.

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