

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Environmental Permitting (England and Wales) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 23

Radioactive substances activities

PART 5

[^{F1}The control of high-activity and other sources]

Textual Amendments

- F1** Sch. 23 Pt. 5 heading substituted (2.5.2018) by [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/428\)](#), reg. 1, **Sch. para. 15**

SECTION 3

Exercise of relevant functions and matters in relation to ^{F1}... sources

Textual Amendments

- F1** Word in Sch. 23 Pt. 5 Section 3 heading omitted (2.5.2018) by [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/428\)](#), reg. 1, **Sch. para. 17**

General

[^{F2}5. In exercising relevant functions in relation to a radioactive substances activity, the regulator must comply with Articles 85 to 89 and 91 of the Basic Safety Standards Directive.]

Textual Amendments

- F2** Sch. 23 Pt. 5 para. 5 substituted (2.5.2018) by [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/428\)](#), reg. 1, **Sch. para. 18**

Records and inspections

[^{F3}6. In relation to a high-activity source, the regulator must keep records of those matters—
(a) required by Article 90 of the Basic Safety Standards Directive, and
(b) notified to it under Article 91(1) of that Directive.]

Textual Amendments

- F3** Sch. 23 Pt. 5 para. 6 substituted (2.5.2018) by [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/428\)](#), reg. 1, **Sch. para. 19**

Training and information

^{F4}7.

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Textual Amendments

F4 Sch. 23 Pt. 5 para. 7 omitted (1.1.2018) by [The Ionising Radiations Regulations 2017 \(S.I. 2017/1075\)](#), reg. 1, Sch. 9 para. 17 (with regs. 2(5), 3, Sch. 8)

Orphan sources

8.—(1) The regulator must—

- (a) be prepared, or have made provision (including the assignment of responsibilities), to [F5control and] recover any orphan source, and
- (b) have drawn up appropriate response plans and measures.

(2) The regulator may recover any expenses reasonably incurred by it in the recovery and disposal of an orphan source from—

- (a) the person carrying on the radioactive substances activity involving that source, or
- (b) the occupier or owner of the premises where the source is located.

(3) In relation to sub-paragraph (2)—

- (a) “owner” has the same meaning as in section 343 of the Public Health Act 1936, and
- (b) the provisions of section 294 of that Act (which limits the liability of owners who are only agents or trustees) apply but as if reference in that section to a council recovering expenses under that Act were to the regulator recovering expenses under sub-paragraph (2).

Textual Amendments

F5 Words in Sch. 23 Pt. 5 para. 8(1)(a) inserted (2.5.2018) by [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2018 \(S.I. 2018/428\)](#), reg. 1, **Sch. para. 20**

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Changes and effects yet to be applied to :

- Regulations excluded in part by [S.I. 2024/564 art. 6\(1\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 2(3) inserted by [S.I. 2023/1156 reg. 2\(6\)](#)
- Sch. 9 Pt. 2 para. 4(5)(aa) inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(6A) inserted by [S.I. 2023/1156 reg. 2\(7\)\(e\)](#)
- Sch. 9 Pt. 2 para. 5(6)(aa) inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(6A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(d\)](#)
- Sch. 9 Pt. 2 para. 5(7A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(11) inserted by [S.I. 2023/1156 reg. 2\(8\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(1)(ba) inserted by [S.I. 2023/1156 reg. 2\(9\)\(d\)](#)
- Sch. 9 Pt. 2 para. 6(1)(h) inserted by [S.I. 2023/1156 reg. 2\(9\)\(h\)](#)
- Sch. 9 Pt. 2 para. 8 inserted by [S.I. 2023/1156 reg. 2\(12\)](#)
- Sch. 9 Pt. 2 para. 7(3)(d)-(f) omitted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(f)-(h) omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(vi\)](#)
- Sch. 9 Pt. 2 para. 7(5) omitted by [S.I. 2023/1156 reg. 2\(11\)\(d\)](#)
- Sch. 9 Pt. 2 para. 2(2)(a) substituted by [S.I. 2023/1156 reg. 2\(5\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(2) substituted by [S.I. 2023/1156 reg. 2\(7\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(2) substituted by [S.I. 2023/1156 reg. 2\(8\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(8) substituted by [S.I. 2023/1156 reg. 2\(8\)\(g\)](#)
- Sch. 9 Pt. 2 para. 6(1)(b) substituted by [S.I. 2023/1156 reg. 2\(9\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(f) substituted by [S.I. 2023/1156 reg. 2\(9\)\(f\)](#)
- Sch. 9 Pt. 2 para. 4(6)(a)-(j) substituted for Sch. 9 Pt. 2 para. 4(6)(a)-(d) by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(8)(9) substituted for Sch. 9 Pt. 2 para. 4(8) by [S.I. 2023/1156 reg. 2\(7\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(2)(b) word inserted by [S.I. 2023/1156 reg. 2\(5\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word inserted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(6) word omitted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(bb\)](#)
- Sch. 9 Pt. 2 para. 5(7) word omitted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word omitted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) word substituted by [S.I. 2023/1156 reg. 2\(4\)\(a\)](#)
- Sch. 9 Pt. 2 para. 2(2) word substituted by [S.I. 2023/1156 reg. 2\(5\)\(a\)](#)
- Sch. 9 Pt. 2 para. 4(3) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(6) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(aa\)](#)
- Sch. 9 Pt. 2 para. 1(2) words inserted by [S.I. 2023/1156 reg. 2\(3\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(b\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(5)(b) words inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(6)(b) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(7) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(iii\)](#)

- Sch. 9 Pt. 2 para. 5(7) Table words inserted by S.I. 2023/1156 reg. 2(8)(e)(iv)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by S.I. 2023/1156 reg. 2(8)(e)(v)
- Sch. 9 Pt. 2 para. 6(1) words inserted by S.I. 2023/1156 reg. 2(9)(a)
- Sch. 9 Pt. 2 para. 6(1)(a) words inserted by S.I. 2023/1156 reg. 2(9)(b)
- Sch. 9 Pt. 2 para. 6(1)(c) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(1)(d) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(1)(e) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(2)(a) words inserted by S.I. 2023/1156 reg. 2(10)(a)
- Sch. 9 Pt. 2 para. 7(2)(a) words inserted by S.I. 2023/1156 reg. 2(11)(a)
- Sch. 9 Pt. 2 para. 7(3)(a) words inserted by S.I. 2023/1156 reg. 2(11)(b)(i)
- Sch. 9 Pt. 2 para. 7(3)(c) words inserted by S.I. 2023/1156 reg. 2(11)(b)(ii)
- Sch. 9 Pt. 2 para. 7(4)(c) words inserted by S.I. 2023/1156 reg. 2(11)(c)(iv)
- Sch. 9 Pt. 2 para. 7(4)(e) words inserted by S.I. 2023/1156 reg. 2(11)(c)(v)
- Sch. 9 Pt. 2 para. 2(1) words omitted by S.I. 2023/1156 reg. 2(4)(d)
- Sch. 9 Pt. 2 para. 7(4) words omitted by S.I. 2023/1156 reg. 2(11)(c)(i)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(c)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(e)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(f)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(h)(i)
- Sch. 9 Pt. 2 para. 4(7) words substituted by S.I. 2023/1156 reg. 2(7)(f)
- Sch. 9 Pt. 2 para. 5(5) words substituted by S.I. 2023/1156 reg. 2(8)(b)
- Sch. 9 Pt. 2 para. 5(10) words substituted by S.I. 2023/1156 reg. 2(8)(h)
- Sch. 9 Pt. 2 para. 6(1)(g) words substituted by S.I. 2023/1156 reg. 2(9)(g)(i)
- Sch. 9 Pt. 2 para. 6(2)(b) words substituted by S.I. 2023/1156 reg. 2(10)(b)
- Sch. 9 Pt. 2 para. 7(4)(a) words substituted by S.I. 2023/1156 reg. 2(11)(c)(ii)
- Sch. 9 Pt. 2 para. 7(4)(b) words substituted by S.I. 2023/1156 reg. 2(11)(c)(iii)