

THE ENVIRONMENTAL REGULATION (SCOTLAND) CHARGING SCHEME AMENDMENT (NO.2) 2018

The Scottish Environment Protection Agency in exercise of its powers under section 41 of the Environment Act 1995 and regulations 11 and 18(4)(b) of, and Schedule 5 to, the Water Environment (Controlled Activities) (Scotland) Regulations 2011, and with the approval of the Scottish Ministers, makes the following amendment to the Environmental Regulation (Scotland) Charging Scheme 2018.

Commencement and citation

1. This charging scheme amendment shall -

(a) be referred to as the Environmental Regulation (Scotland) Charging Scheme Amendment (No. 2) 2018;

(b) come into force on 1 September 2018; and

(c) remain in force until revoked.

Amendment to the Environmental Regulation (Scotland) Charging Scheme 2018

2. (1) The Environmental Regulation (Scotland) Charging Scheme 2018 is amended in accordance with this paragraph.

(2) For every reference to “Regulations made under the 2014 Act”, substitute “the EA Regulations”.

(3) In paragraph 2(1) –

(a) omit the definition of “2014 Act”;

(b) after the definition of the “CA Regulations”, insert –

““the EA Regulations” means the Environmental Authorisations (Scotland) Regulations 2018;”

(c) after the definition of “materials recovery facility”, insert –

““radioactive substances activity” has the meaning given in the EA Regulations;”

(c) for the definition of “relevant time and materials costs” substitute -

““relevant time and materials costs” means those costs and expenses incurred by SEPA in the determination of an application or the annual regulation of a permit, based on an hourly rate of £135.72 in the case of radioactive substances activity and £89 in any other case, as notified from time to time by SEPA to the authorisation holder;”

(4) After paragraph 12(2)(c), insert –

“(d) any charges which have been subject to reduction on the basis of temporary cessation or mothballing.”

(5) In the Schedule –

(a) in paragraph 1(1) –

(i) for sub-paragraphs (d) and (e) of the definition of “large and complex activity” substitute –

“(d) construction of a waste incinerator,

(e) any project which involves major re-engineering of water bodies, or

(f) any activity carried out at a nuclear site within the meaning of the Energy Act 2004;”

(ii) after the definition of “MWth” insert –

““NORM” has the meaning given in the EA Regulations;

“offshore activity” means a radioactive substances activity located in the Scottish area within the meaning of the Civil Jurisdiction (Offshore Activities) Order 1987;”

(iii) after the definition of “public” insert –

““relevant Order” means an Order made under sections 104, 112(1) and 113(2), (4) and (5) of the Scotland Act 1998 which has the effect of applying the EA Regulations to every offshore activity;”

(b) at the end of paragraph 1(2), insert –

“(d) the activity application charge and activity component for a radioactive substances activity other than an offshore activity shall be deemed to be -

(i) in the case of charges due before 1st April 2019 in relation to an activity authorised before 1st September 2018, the most apt description in rows 10516 and 11990 to 12051; or

(ii) in any other case, the most apt description in rows 13300 to 13430;

(e) the activity application charge and activity component for a radioactive substances activity which is an offshore activity shall be deemed to be –

(i) in the case of an activity authorised before the date the relevant Order comes into force, the most apt description in rows 10516 and 11990 to 12051; or

(ii) in any other case, the most apt description in rows 13300 to 13430.”

(c) in Table 1 –

(i) omit row 10515,

(ii) for row 10516, substitute -

| | | | | | | | |
|-------|----------------|--|-----|----------------------------|-----------------------------------|-----------------------------------|---|
| 10515 | All activities | | All | Large and Complex activity | relevant time and materials costs | relevant time and materials costs | N |
|-------|----------------|--|-----|----------------------------|-----------------------------------|-----------------------------------|---|

(iii) at the end of the Table, insert –

| | | | | | | | |
|-------|-------------|--------------------------------------|--|--|-----------------|------|---|
| 13300 | Non-nuclear | Radioactive Substances (Non-Nuclear) | | Any radioactive substances activity not listed elsewhere in this table and in the opinion of SEPA will require a permit. | £2101 (Band 10) | 1220 | Y |
| 13310 | | | | Any radioactive substances activity not listed elsewhere in this table and in the opinion of SEPA will require a registration. | £630 (Band 8) | 848 | N |
| 13320 | | | | Any radioactive substances activity not listed elsewhere in this table and in the opinion of SEPA will require a notification. | £0 (Band 0) | 0 | N |

| | | | | | | | |
|-------|--|--|--|---|-----------------|------|---|
| 13330 | | | | The management of unsealed radioactive sources that have an activity exceeding 10 GBq Tc-99m and 20 MBq in total of all other radionuclides and including specified discharge limits to the environment. | £2101 (Band 10) | 917 | N |
| 13340 | | | | The management of unsealed radioactive sources that have an activity not exceeding 10 GBq Tc-99m and 20 MBq in total of all other radionuclides with no disposals other than those allowed by standard conditions G3 to G5. | £630 (Band 8) | 524 | N |
| 13350 | | | | The management of radioactive material intended to be released into the environment and management of any associated radioactive waste. | £2101 (Band 10) | 848 | N |
| 13360 | | | | The management of radioactive material intended to be introduced into organisms (excluding human beings) and management of any associated radioactive waste. | £2101 (Band 10) | 848 | N |
| 13370 | | | | The management of sealed sources including high-activity sealed sources (HASS). | £630 (Band 8) | 1220 | N |

| | | | | | | | |
|-------|--|--|--|---|----------------|-----|---|
| 13380 | | | | The management, other than disposal, of sealed sources in IAEA category 5 that exceed 200 kBq. | £0 (Band 0) | 0 | N |
| 13390 | | | | The management of sealed sources in IAEA categories 1 to 4 that are not HASS, and management of any associated waste. | £488 (Band 7) | 917 | N |
| 13400 | | | | The management, other than disposal, of sealed sources that are normally kept in the UK outwith Scotland. | £630 (Band 8) | 848 | N |
| 13410 | | | | The management, other than disposal, of a tritium source that contains an activity exceeding 20 GBq. | £0 (Band 0) | 0 | N |
| 13420 | | | | The management, other than disposal, of an electrodeposited sources. | £0 (Band 0) | 0 | N |
| 13430 | | | | The management of NORM from the production of oil and gas at offshore installations where the total quantity of solid waste discharged to the marine environment per year does not exceed 2GBq each of Radium 226, Radium 228, Polonium 210 and Lead 210. | £1261 (Band 9) | 917 | N |

Revocation.

3. The Radioactive Substances Fees and Charges (Scotland) Scheme 2015 which came into effect on 1 April 2015 is revoked in so far as it relates to any period on or after 1 September 2018.

IN WITNESS WHERE OF these presents typewritten on this and the six preceding pages are executed for and on behalf of SEPA by **Terry P. A'Hearn (subscribing his usual signature Terry A'Hearn)**, Chief Executive, at Perth on the 30th August Two Thousand and Eighteen in the presence of Viv Hanson, Acting Head of Human Resources.

