



RADIOACTIVE SUBSTANCES FEES AND CHARGES (SCOTLAND) SCHEME 2016

The Scottish Environment Protection Agency, in exercise of its powers under Section 41 of the Environment Act 1995 and in accordance with Section 42 and with the approval of the Scottish Ministers, makes the following scheme of fees and charges.

1. CITATION, EXTENT, COMMENCEMENT AND REVOCATION

- 1.1 The Scheme shall be cited and referred to as the Radioactive Substances Fees and Charges (Scotland) Scheme 2016 (“the Scheme”).
- 1.2 The Scheme shall apply to Scotland only and shall come into force on 1 April 2016, notwithstanding the date of execution hereof.
- 1.3 The Radioactive Substances Fees and Charges (Scotland) Scheme 2015 shall cease to have effect on 1 April 2016, insofar as it relates to any period on or after 1 April 2016.

2. INTERPRETATION

- 2.1 In the Scheme, unless the contrary intention appears:

"the 1993 Act" means the Radioactive Substances Act 1993;

“SEPA” means the Scottish Environment Protection Agency, incorporated under the Environment Act 1995 and having its Corporate Office at Strathallan House, Castle Business Park, Stirling, FK9 4TZ.

"professional time" means the time spent by SEPA’s staff and/or Board members.

Except insofar as expressly stated herein, the Scheme shall be construed by reference to the Interpretation Act 1978, the 1993 Act and all other statutes and statutory instruments referred to therein.

3. APPLICATION

3.1 The Scheme applies to the following operations:

- (1) **Band A Premises:** this band will comprise (i) premises licensed as nuclear sites, (ii) installations, sites, facilities or related premises that have been, or are to be, designated by the Nuclear Decommissioning Authority, incorporated under the Energy Act 2004 or any statutory successor thereof (“NDA”) and (iii) similar facilities exempt under section 42 of the 1993 Act; and without prejudice to that generality includes the following premises:

Dounreay Site Restoration Limited, DSRL

DSRL Low Level Radioactive Waste Facility

EDF Energy Torness

EDF Energy Hunterston B

Magnox Limited, Chapelcross

Magnox Limited, Hunterston A

MOD(N), HM Naval Base Clyde, Faslane

MOD(PE) Vulcan, NRTE

MOD, HM Naval Base Clyde Coulport

Rosyth Royal Dockyard Limited

MOD, Rosyth

The charges for authorisations for the above will be made up from the actual costs incurred by SEPA as a result of the radioactive waste operations on the site. These costs will be calculated on the basis of:

- (a) The amount of professional time allocated to the site;
- (b) Travel and subsistence to and from the site;
- (c) Professional time, travel and subsistence throughout the UK and overseas directly attributable to work undertaken relating to the site;
- (d) (Where appropriate and applicable) Professional time, travel and subsistence throughout the UK and overseas directly attributable to work undertaken by SEPA that relates to the functions of the NDA, including strategy, plans and reports in respect of its functions;
- (e) The amount of monitoring carried out by or on behalf of SEPA that is expressly required:
 - i to check the results obtained by the operator within the programme of monitoring required as a condition of authorisation; or
 - ii where SEPA requires special information necessary for the validation

of the radiological protection case underpinning authorisations.

Monitoring costs will be estimated on the basis of an average cost per sample.

- (f) The actual costs and expenses incurred by SEPA as a result of work relating to the site being carried out by any contractor on behalf of SEPA;
- (g) An appropriate allocation of SEPA overheads for each site;
- (h) Non-site specific development work undertaken in support of SEPA's regulatory responsibilities under the 1993 Act;
- (i) Costs associated with the preparation, review and testing of off-site emergency plans which will be recovered from the relevant local authority;
- (j) In the case of authorisations under section 13 of the 1993 Act, costs which the Food Standards Agency incurs in carrying out its functions under or in consequence of the 1993 Act which will be recovered, by SEPA on their behalf.

2) Low Level Waste and High Volumes of Very Low Level Waste

Where an application is received for an authorisation to dispose or store Low Level Waste (LLW) or High Volumes of Very Low Level Waste (HVLLW) (as those terms as defined or otherwise referred to in the document "Policy for the Long Term Management of Solid Low Level Radioactive Waste in the UK" issued by HM Government in 2007 as same may be amended or replaced from time to time). These costs will be calculated on the basis of:

- (a) The amount of professional time spent on the application or proposed application;
- (b) Travel and subsistence to and from any site referred to in the application or proposed application;
- (c) Professional time, travel and subsistence throughout the UK and overseas directly attributable to work undertaken relating to the application or proposed application;
- (d) The actual costs and expenses incurred by SEPA as a result of work relating to the site being carried out by any contractor on behalf of SEPA;
- (e) An appropriate allocation of SEPA overheads for each application or proposed application;

3.2 In all cases SEPA shall apply a charge of not less than £914 per day of activity in relation to the items above, or pro rata for each part day of activity.

4. SPECIAL CIRCUMSTANCES

- 4.1 No charge will be made should an application be required to make good any error made by SEPA;
- 4.2 Multiple Use Premises and Multiple Authorisations:
- (a) Where in any one greater geographical unit, a number of different operators, each either keep, use or dispose of radioactive materials, each such different operator is considered to be carrying on an undertaking within the meaning of the 1993 Act and is required therefore to hold the certification required under the 1993 Act appropriate to its activities. In these circumstances each Certificate issued will attract the relevant charges;
 - (b) Where in any one greater geographical unit, a single operator either keeps, uses or disposes of radioactive materials albeit such keeping, use or disposal of radioactive materials may occur within identifiable different departments or divisions (within the one greater geographical unit), the single operator is considered to be carrying on a single undertaking within the meaning of the 1993 Act and is required therefore only to hold one Certificate appropriate to its activities on the one greater geographical unit;

5. METHOD OF PAYMENT

- 5.1 Invoices will be charged quarterly in arrears.
- 5.2 In the event that SEPA changes the actual date on which invoices are raised, SEPA shall notify each operator concerned of such interim arrangements and pro rata payments as may be required as a result of the transition.
- 5.3 With effect from 1 April 2017 and on every anniversary thereof, SEPA may increase all charges and fees under the Scheme annually in line with increases in the Office for National Statistics measures of inflation as at 30 September in the immediately preceding year. Fees and charges shall be rounded up to the nearest pound sterling.
- 5.4 Payment of fees and of charges under the Scheme shall be:
- By cheque, payable to “The Scottish Environment Protection Agency”, and endorsed “A/C Payee Only” ;
 - By BACS transfer, Sort Code: 83-34-00, Account No: 00137187 or such other account as SEPA may from time to time determine. Please note application fees cannot be paid by BACS; or
 - By Credit or Debit Card, by telephone to SEPA offices or on completion of the appropriate form included with application forms/invoices.
Please note that payment made by credit cards will attract a variable surcharge.

6. DECISIONS UNDER THE SCHEME

- 6.1 Where under the Scheme provision is made for anything to be assessed, agreed, determined, certified or otherwise decided by SEPA, such decision may be given on its behalf by the Chief Executive or other nominated officer for the purpose.

IN WITNESS WHERE OF these presents typewritten on this and the preceding page are executed for and on behalf of SEPA by **Calum Sutherland MacDonald (subscribing his usual signature C MacDonald)**, Executive Director, at Stirling on the Thirtieth March, Two Thousand and Sixteen in the presence of Jane Dewar, Personal Assistant.
