



RADIOACTIVE SUBSTANCES FEES AND CHARGES (SCOTLAND) SCHEME 2013

The Scottish Environment Protection Agency, in exercise of its powers under Section 41 of the Environment Act 1995 and in accordance with Section 42 thereof HEREBY 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 Act 1993 Fees and Charges (Scotland) Scheme 2013 ("the Scheme").
- 1.2 The Scheme shall apply to Scotland only and shall come into force on 1st April 2013, notwithstanding the date of execution hereof.
- 1.3 The Radioactive Substances Act 1993 Fees and Charges (Scotland) Scheme 2012 shall cease to have effect on 1st April 2013, insofar as it relates to any period on or after 1st April 2013.

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 Erskine Court, Castle Business Park, Stirling, FK9 4TR.

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

"Schedule" means the Schedule annexed and executed as relative to the Scheme.

Except insofar as expressly stated herein, the Scheme shall be construed by reference to the Interpretation Act 1978, the 1993 Act, the HASS Directive (2003/122/EURATOM(f)), the High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005 and all other statutes and statutory instruments referred to therein.

3. APPLICATION

3.1 The Scheme applies to operations which shall, for charging purposes, be grouped into three bands subject to charging criteria as follows:

- (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

Magnox, Chapelcross

Magnox, Hunterston A

British Energy, Hunterston B

British Energy, Torness

Babcock International, Rosyth Dockyard

HM Naval Base Clyde, Faslane

MOD(PE) Vulcan, NRTE

MOD, RNAD Coulport

The charges for authorisations for Band A premises 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 (1) 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.

In all cases SEPA shall apply a charge of not less than £867 per day of activity in relation to the items above, or pro rata for each part day of activity.

- (2) **Band B Premises (Section 13 or 14 Authorisations):** this Band will comprise all premises that apply for or hold a certificate of authorisation granted under sections 13 or 14 of the 1993 Act. Charges levied against operators in this band will be on the basis of the average costs incurred by SEPA in the execution of these regulatory functions and are as specified in the Schedule. The costs will be calculated under two heads:

- (a) Application Fee:

Operators will be required to include an application fee with all applications for authorisations, variations, cancellations and revocations;

- (b) Subsistence Charge:

The maintenance of the authorisation (i.e. the effort expended by SEPA in ensuring that the limits and conditions contained in any Certificate are complied with) will be charged annually.

(c) Abated Fees/Charges:

Where an operator, normally charged under Band B, is a registered holder for the keeping and use of less than 10GBq Tc99m and 20MBq of other isotopes, a reduced application fee and subsistence charge shall be made, as specified in the Schedule.

- (3) **Band C Premises (Section 7 or 10 Registrations):** this Band will comprise all premises that either apply for or hold Certificates of registration under either sections 7 or 10 only of the 1993 Act. Charges levied against operators in this band will be on the basis of the average costs incurred by SEPA in the execution of these regulatory functions and are as specified in the Schedule.

A charge will be made for an application for a Certificate and for its maintenance (also known as subsistence), the charge being calculated following the same principle as in Band B.

4. SPECIAL CIRCUMSTANCES

4.1 The Application Fee:

- (a) A charge will not be made for minor administrative amendments where professional input is not required, such as change of company name. (For the avoidance of doubt, a change of company number does not constitute a minor administrative amendment and would require a full fee.) Nor will a charge be made where either a reduction in holding under sections 7 or 10 or a reduction in an authorised disposal is proposed. Any costs incurred for these minor adjustments will be carried in the annual maintenance charge;
- (b) A charge will not be made should a further application be required to make good any error on the part of the SEPA;
- (c) An application fee is payable where an application is for a change of premises and professional effort is required to ensure that the new premises are suitable for the purpose proposed;
- (d) The application fee is for the consideration of a duly made application for an authorisation, it is not refundable in the event of either the application being refused or withdrawn.

4.2 Band B Premises:

- (a) In general an application for an authorisation under sections 13 or 14 will attract significant professional input and must therefore be accompanied by the appropriate fee. Some applications however are for quite minor amendments to already authorised disposals where, as a result, assessment may be less intensive. One free application to increase the rate of disposal of an already authorised radionuclide by not more than 10% will therefore be allowed on one occasion only during the lifetime of the Certificate of Authorisation. Similarly where a Band B operator applies for a revision of a holding under sections 7 or 10 of less than 10% of an already registered radionuclide no charge will be made, again on one occasion only during the lifetime of the Certificate;
- (b) Where an application is made for a section 7 and/or section 10 Certificate of registration which is associated directly with, and made at the same time as, an application for a Certificate of authorisation under section 13 and/or section 14, then the application will attract a single Band B charge only;
- (c) Where an operator, normally charged under Band B, makes a separate application for a Certificate of registration under section 7 and/or section 10 the application will attract a single Band C charge. (The maintenance of such a Certificate will be included within the Band B annual charge).

4.3 Band C Premises:

- (a) Where a section 10 registration is applied for either at the same time as an application for registration under section 7 or after a section 7 registration is in force, the section 10 application will attract a Band C charge;
- (b) Where an application is made by an operator, based in England, for a registration under section 10 to carry out activities in Scotland then, whether or not he is paying fees in England, an application charge and consequent annual charges will be levied.

4.4 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;

- (c) Where any single operator, who may currently hold more than one Certificate in respect of any one greater geographical unit, due to the need of predecessor Schemes for them to do so but where by virtue of Clause 7(4)(ii) above would no longer require to hold such multiple authorisations, such operators may request that such multiple authorisations be consolidated within the one Certificate, on payment of the appropriate Application Fee to SEPA and provided it is appropriate (bearing in mind the terms of Clause 7(4)(ii) and any guidance as may be applied by SEPA from time to time) for one consolidated Certificate to be issued.

4.5 Band B and Band C: Applications, Cancellations, Revocations, Variations and Surrenders:

Any fee required for an application, cancellation, revocation, variation or surrender of an authorisation or registration is to be paid at the date of submission of the application, cancellation, revocation, variation or surrender and shall be the amount stated in the Schedule and where no fee is stated then no fee is payable. For the avoidance of doubt, any variation initiated by SEPA shall incur a variation fee as set out in the Schedule.

4.6 Band B and Band C: Subsistence Charges

Subsistence charges shall be the amount stated in the Schedule.

4.7 Band B and Band C: Refund of Subsistence Charges

Where a registration or authorisation is cancelled or revoked, SEPA shall reduce the amount of Subsistence Charge due by calculating the amount of Subsistence Charge from 1 April until the date of cancellation or revocation. SEPA shall calculate this by dividing the Subsistence Charge by 365 and multiplying this amount by the days from 1 April until the date of cancellation or revocation. Any excess over this sum shall be refunded.

4.8 Band B: 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) SEPA shall apply a charge of not less than £867 per day of activity in relation to said application, with a pro-rate charge being applied for each part day of activity. "Activity" shall include:

- (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;

5. METHOD OF PAYMENT

- 5.1 The fees in relation to Band B and Band C premises are as set out in the Schedule. In addition, with effect from 1 April 2013 and on every anniversary thereof, SEPA shall increase all charges and fees relating to Band B and Band C premises under the Scheme annually in line with the annual increase in the Retail Price Index as at 30th September in the immediately preceding year. Increased fees and charges shall be rounded up to the nearest pound sterling.
- 5.2 Invoices raised under Band A will be charged quarterly in arrears.
- 5.3 Any application under Band B or Band C must be accompanied by the prescribed fee.
- 5.4 Invoices raised under Band B and Band C Subsistence Charge provisions will be submitted annually, either (a) on a set date as specified by SEPA from time to time or (b) on the anniversary of the relevant Certificate coming into force. 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 from the previous annual invoice raising date. Subsistence charges shall, unless SEPA otherwise determine, apply from 1 April in each year.
- 5.5 With effect from 1 April 2013 and on every anniversary thereof SEPA shall increase all fees and charges specified herein taking account of the annual increase in the retail price index as at 30 September in the immediately preceding year. Increased fees and charges shall be rounded up to the nearest pound sterling.

5.6 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 WHEREOF these presents typewritten on this and the eight preceding pages are, together with the Schedule annexed hereto, executed for and on behalf of SEPA by Professor James Crowe Curran (subscribing his usual signature James C Curran), Chief Executive, at Stirling on the Twenty Eighth March, Two Thousand and Thirteen in the presence of Karen Cochrane, Executive Officer in SEPA's Secretariat.

Stirling, 28 March 2013:

This is the Schedule referred to in the foregoing Radioactive Substances Act 1993 Fees and Charges (Scotland) Scheme 2013 dated and executed of even date herewith.

Charge Band = Section in regulation	Description	Fees and Charges	2012/13 £
Band B = Section 13/14	Allows the accumulation and disposal of radioactive waste	Application Subsistence Revocation Variation	2,061 1,644 605 2,061
Band B with a Band C = Section 13/14 + Section 7/10 (Open)	As above with no limitation on the additional registered material	Application Subsistence Revocation Variation	2,061 1,644 605 2,061
Band B with a Band C = Section 13/14 + Reduced + Section 7/10 (Open)	Allows the keeping and use of lower activity level sources (less than 10GBq Tc99m and 20MBq of other isotopes) Allows the accumulation and disposal of the radioactive waste generated from the radioactive material	Application Subsistence Revocation Variation	1,212 291 605 1,212
Band C = Section 7/10 Open	Section 7 allows the keeping and use of radioactive substances. Section 10 as Section 7 but mobile	Application Subsistence Cancellation Variation	361 291 361 361
Band C = Section 7/10 Sealed	Sealed sources having an activity level defined as Category 5 by IAEA (i.e. very low levels of activities)	Application Subsistence Cancellation Variation	434 291 433 433
Band C = Section 7/10 Sealed HASS	Sealed sources having an activity level equal to or above the HASS activity levels.	Application Subsistence Cancellation Variation	500 1,193 500 500
Band C = Section 7/10 Sealed SSLPH	Sealed sources which have an activity level below the HASS threshold level but are above the IAEA Category 5 (i.e. SSLPH)	Application Subsistence Cancellation Variation	500 567 500 500

Notes

Section 13/14 + Section 7 (open) - all hospitals, universities and the majority of premises undertaking teaching and research would hold both a Section 13/14 and Section 7.

Section 7 Sealed; HASS and SSLPH are commonly found in premises undertaking radiography, an example would be industrial radiographers, hospitals and universities.

Section 10 Sealed (mobile); mainly industrial radiographers who take their sources to other premises to do their work and including companies based outwith Scotland with mobile industrial radiography sources.

Section 7/10 Open; both types of registration are currently very rare in Scotland.

This Schedule, comprising of this and the previous page, constitute the Schedule referred to in the Radioactive Substances Act 1993 Fees and Charges (Scotland) Scheme 2013
