

THE RADIOACTIVE SUBSTANCES (NATIONAL SECURITY) (SCOTLAND) DIRECTION 2018

Citation and Commencement

1) This Direction may be cited as the Radioactive Substances (National Security) (Scotland) Direction 2018 and comes into force on 20 December 2018.

Interpretation

2) In this Direction:-

"the Act" means the Environmental Protection Act 1990^a;

"EASR" means the Environmental Authorisations (Scotland) Regulations 2018^b;

"SEPA" means the Scottish Environment Protection Agency;

"relevant information" means

(a) information in relation to a sealed source contained in or relating to-

(i) applications received and authorisations made by SEPA under regulations 16 and 21 of EASR; or

(ii) notifications received by SEPA under regulation 11 of EASR;

whether such information came into existence before or comes into existence after this direction comes into force;

(b) applications made to SEPA by the Borders Agency under regulations 16 and 21 of EASR, and notifications received by SEPA under regulation 11 of EASR, in relation to radioactive material or radioactive waste seized in the exercise of the Border Agency's functions and powers;

(c) authorisations made by SEPA in pursuance of the applications referred to in (b) above;

and

"radioactive material", "radioactive waste" and "sealed source" have the same meaning given in paragraph 5 of schedule 8 of EASR.

^a 1990 c.43.

^b S.S.I. 2018/219.

Direction

3) The Scottish Ministers, in exercise of the powers conferred by section 21(2)^c of the Act, and after consultation with the Secretary of State, direct the Scottish Environment Protection Agency that, on the grounds of national security, relevant information must not be included in the register maintained under section 20 of the Act.

Revocation

4) The Radioactive Substances (National Security)(Scotland) Direction 2006 is revoked.

This Direction is subscribed as follows:

It is signed by DONALD M'GILLIVRAY (name of officer)

Head of ENVIRONMENTAL QUALITY AND CIRCULAR ECONOMY (Division)
Environment and Forestry Directorate

At Edinburgh on 18 December 2018

Before this witness:

T Garland (signature of witness)

THEKLA GARLAND (full name of witness)

Scottish Government, Environment and Forestry Directorate (address of witness)
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^c 1990 c.43. By virtue of article 3 and schedule 2 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (Scotland) Order 1999 (S.I. 1999/1750), the powers of the Secretary of State under section 21(2) of the Environmental Protection Act 1990, in relation to Scotland, are exercisable by the Scottish Ministers, subject to the requirement that the Scottish Ministers must consult the Secretary of State prior to exercising the functions.