

## SCOTTISH GOVERNMENT BRIEF ON LOW LEVEL WASTE LICENSING

At the DSG Site restoration sub group meeting held on 20<sup>th</sup> April an update from Scottish Government on low level waste issues was tabled (DSG(2011)C162 refers). Following discussion an action was placed to follow up clarification with Scottish Government on the 1965 act.

Scottish Government has responded as follows:

The UK Government recently consulted (this closed on 28 April 2011) on its plans to implement the requirements of the Paris and Brussels Conventions: ['Implementation of changes to the Paris and Brussels Conventions on nuclear third party liability'](#). In its consultation the UK Government proposed that the liability requirements of the conventions be extended to cover low level waste facilities as required by the conventions.

At present the Nuclear Installations Act 1965 (NIA65) is the legislation used to implement liability requirements of the conventions, however, NIA65 also establishes the nuclear site licensing regime, which is about nuclear safety. The liability regime is currently secured through the introduction of duties on the *licensees* of nuclear sites and so ties the two issues of liability and licensing together.

In its proposals to implement the liability requirements the UK Government has proposed not to extend the nuclear site licensing regime to LLW facilities because it would introduce disproportionate burdens on industry as well as diverting Nuclear Installations Inspectorate resources away from installations that have sufficient hazard to warrant licensing. The Scottish Government supports this view.

This is a complicated matter which requires consultation, legislative change and which will inevitably take time. The timetable for resolution in the consultation is set out below for information:

Timing	Activity
January 2011 – 28 April 2011	<ul style="list-style-type: none"> <li>• Consultation period</li> </ul>
May - Summer 2011 - post consultation	<ul style="list-style-type: none"> <li>• Consultation responses analysed and Government response published</li> <li>• Legislation and impact assessment amended and finalised</li> </ul>
Summer 2011	<ul style="list-style-type: none"> <li>• Order laid before Parliament</li> </ul>
Summer - Autumn 2011	<ul style="list-style-type: none"> <li>• Parliamentary debates on Order in both Houses</li> </ul>
Autumn 2011 – Spring 2012	<ul style="list-style-type: none"> <li>• Period during which we expect Convention countries to ratify the revised Conventions and the Conventions to come into force. Legislation will come into force thereafter</li> </ul>

Clearly this is a very brief summary of the position but I hope that it clarifies the direction of travel on this matter.

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