

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Seventh Delegated Legislation Committee

DRAFT ENVIRONMENTAL AUTHORISATIONS
(SCOTLAND) REGULATIONS 2018
(CONSEQUENTIAL MODIFICATIONS) ORDER 2021

Wednesday 21 July 2021

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The Committee consisted of the following Members:

Chair: YVONNE FOVARGUE

Caulfield, Maria (<i>Lewes</i>) (Con)	† Murray, Ian (<i>Edinburgh South</i>) (Lab)
† Duguid, David (<i>Parliamentary Under-Secretary of State for Scotland</i>)	Pursglove, Tom (<i>Corby</i>) (Con)
Edwards, Ruth (<i>Rushcliffe</i>) (Con)	Rutley, David (<i>Lord Commissioner of Her Majesty's Treasury</i>)
† Elmore, Chris (<i>Ogmore</i>) (Lab)	Thomson, Richard (<i>Gordon</i>) (SNP)
Gardiner, Barry (<i>Brent North</i>) (Lab)	† Throup, Maggie (<i>Lord Commissioner of Her Majesty's Treasury</i>)
Jones, Mr Marcus (<i>Vice-Chamberlain of Her Majesty's Household</i>)	Timms, Stephen (<i>East Ham</i>) (Lab)
McCabe, Steve (<i>Birmingham, Selly Oak</i>) (Lab)	Tomlinson, Michael (<i>Lord Commissioner of Her Majesty's Treasury</i>)
McDonagh, Siobhain (<i>Mitcham and Morden</i>) (Lab)	
Mak, Alan (<i>Lord Commissioner of Her Majesty's Treasury</i>)	Liam Laurence Smyth, <i>Committee Clerk</i>
† Morris, James (<i>Lord Commissioner of Her Majesty's Treasury</i>)	† attended the Committee

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Wednesday 21 July 2021

[YVONNE FOVARGUE *in the Chair*]

Draft Environmental Authorisations (Scotland) Regulations 2018 (Consequential Modifications) Order 2021

2.30 pm

The Chair: Before we begin, I remind Members that Mr Speaker has stated that the wearing of masks is encouraged. *Hansard* colleagues would be grateful if Members could send any speaking notes to hansardnotes@parliament.uk.

The Parliamentary Under-Secretary of State for Scotland (David Duguid): I beg to move,

That the Committee has considered the draft Environmental Authorisations (Scotland) Regulations 2018 (Consequential Modifications) Order 2021.

It is a pleasure to serve under your chairmanship today, Ms Fovargue. The draft order was laid before the House on 8 June 2021, and I am pleased to have the opportunity to discuss environmental regulation for Scotland, especially in relation to the serious matter of radioactive substance control. The order will provide environmental protection to Scotland by ensuring that legislation required to implement safety standards for protection against dangers that arise from exposure to radiation is extended to the offshore sector.

If the draft order is not taken forward, two different regulatory regimes will continue to operate in Scotland for radioactive substances in onshore and offshore areas, and the order will ensure that a high level of environmental regulation for radioactive substance activities is maintained in Scotland. As local environmental matters are largely devolved in Scotland, I am glad to be discussing today legislation which represents an excellent example of this Government's commitment to strengthening the devolution settlement and delivering for the people, businesses and industries of Scotland.

This statutory instrument, known as a Scotland Act order, is made as a consequence of the Environmental Authorisations (Scotland) Regulations 2018. The Scotland Act 1998 and the subsequent Acts of 2012 and 2016 have devolved significant powers to Scotland. Scotland Act orders are a form of secondary legislation made under the 1998 Act and are used to update, implement or adjust Scotland's devolution settlement. The order before us today is a section 104 order, which allows for necessary or expedient legislative provision in consequence of any provision made or under any Act of the Scottish Parliament or secondary legislation made by Scottish Ministers. In this instance, provision is required in consequence of the previously mentioned 2018 regulations.

The 2018 regulations introduced a single integrated framework for environmental authorisations in Scotland for activities around radioactive substances. The regulations repealed the previous framework regime in Scotland,

which was provided in the Radioactive Substances Act 1993. The purpose of the draft order before the Committee is to ensure that the 2018 regulations have the same extent as the 1993 Act previously did. To that end, the order makes consequential amendments to article 4 of the Civil Jurisdiction (Offshore Activities) Order 1987 and section 7 of the Continental Shelf Act 1964. In both cases, amendments are being made so that the legislation refers to the 2018 regulations, not the repealed 1993 Act. The changes will deem installations in the offshore area to be part of Scotland insofar as they apply to radioactive substance activities.

The 2018 regulations introduced a new regulatory framework for activities using radioactive substances and modernised radioactive substances legislation that had been in force for over 50 years. The coming into force of this order will therefore bring consistency and efficiency to the regulation of radioactive substances in Scotland, meaning that all the advantages brought in by the 2018 regulations will now also apply offshore. The amendments are also important because they allow the 2018 regulations to implement fully the new safety requirements of the Euratom basic safety standards directive. These measures are required to ensure safety standards against dangers that arise from exposure to radiation, and the elements outlined by the BSSD cannot be fully implemented until this order comes into force.

The territorial extent and application of the draft order is Scotland, as it amends only the 1987 order and the 1964 Act in their application to Scotland. That legislation has already been amended in similar way for England and Wales.

In summary, this draft order supports a strong environmental framework and relevant safety measures in Scotland for radioactive substance activities. By amending article 4 of the 1987 order and section 7 of the 1964 Act, we are ensuring that the 2018 regulations have the same extent as the 1993 Act did previously in Scotland in relation to the offshore area. The instrument has the support of both of Scotland's Governments. The need for this order and its contents have been agreed by both the UK and Scottish Governments. It is positive to see us all working together deliver for the people, businesses and industries in Scotland, and I commend the draft order to the Committee.

2.35 pm

Ian Murray (Edinburgh South) (Lab): It is a great pleasure to be in a Committee with you in the Chair for the first time, Ms Fovargue. Labour does not oppose this rather complex draft order—I was trying to keep up with all the abbreviations, and I will not ask him to read them out again. However, I do have several important questions to pose to the Minister.

First, the draft order obviously defines the environmental authorisations framework for radioactive substances, but will the Minister confirm whether the 2014 White Paper on independence falls under “radioactive substances”?

Secondly, and more seriously, the Scottish Environment Protection Agency experienced a major cyber-attack last year, with its chief executive saying it will take many years for it to recover. Will the Minister assure me that both Governments are working together to ensure that SEPA can fully recover, because it will obviously take responsibility for these important regulations north of the border?

Finally—this is not directly related to the draft order, but it is important because the Minister did talk about dangers and mentioned Euratom—what work is ongoing following SEPA's announcement that it would take no action temporarily if there is a non-compliance issue that related to EU exit or covid-19? Will he update the Committee on what action the Government are taking to ensure that that is very much temporary and that any occurrences of non-compliance with the regulations, rare though they may be, will be dealt with rather harshly?

2.37 pm

David Duguid: I thank the hon. Gentleman for his comments and questions.

I am not in a position to comment on the SEPA cyber-attack, but I suspect that both the UK and Scottish Governments are working with SEPA and other bodies in all areas at potential risk of cyber-attack. However, I can find out more about that and write to the hon. Gentleman.

More generally on SEPA, although it specifically operates in Scotland, it engages routinely with the relevant regulatory bodies and industry groups right across the UK for obvious reasons. Radioactive substances do not just travel back and forth from onshore to offshore in Scotland, but in some cases from offshore in Scotland to offshore in England, for example.

The hon. Gentleman also asked about the dangers of the 2014 White Paper on an independent Scotland, although it is probably best that I do not comment on

that too much. I do not think it would be classed as a radioactive substance under the regulations, but I might be tempted to agree with him on its potential danger.

I thank the hon. Gentleman for his valuable contribution this afternoon. Through our amendments to the 1987 order and the 1964 Act we are facilitating the continuation of a strong environmental framework and robust safety regulations for activities relating to radioactive substances in Scotland. We are ensuring that references to the aforementioned legislation are amended to refer to the 2018 regulations instead of the 1993 Act, ensuring that installations in the offshore area are deemed to be part of Scotland for the purposes of those regulations insofar as they apply to radioactive substance activities. Importantly, they represent a step towards implementing safety standards for protection against the dangers that arise from exposure to radiation and, as I said, the BSSD provisions cannot be fully implemented until this order comes into force.

The order demonstrates this Government's commitment to strengthening the devolution settlement. It shows Scotland's two Governments working together for its people, businesses and industries and will ensure that Scotland is operating a single regulatory regime both onshore and offshore in line with the approach in other parts of the UK. I therefore commend the draft order to the Committee.

Question put and agreed to.

2.40 pm

Committee rose.

