
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

**The Pollution Prevention and
Control (Scotland) Regulations 2012**

PART V

REVIEW, VARIATION AND CESSATION OF PERMITS

Permits: revocation of permits

50.—(1) SEPA may at any time revoke all or part of permit by serving a notice (“a revocation notice”) on the operator.

(2) SEPA may in particular serve a revocation notice where—

- (a) a permit authorises the carrying out of a specified waste management activity and it appears to SEPA that the operator has ceased to be a fit and proper person by reason of—
 - (i) the operator or a relevant person having been convicted of a relevant offence within the meaning of regulation 18, or
 - (ii) the management of the activity has ceased to be in the hands of a technically competent person,
- (b) the holder of the permit has ceased to be the operator of the installation or plant covered by the permit.

(3) A revocation notice may—

- (a) revoke a permit entirely,
- (b) revoke a permit only to the extent that it authorises the operation of some of the installations or mobile plant to which it applies,
- (c) revoke a permit only to the extent that it authorises the carrying out of some of the activities which may be carried out in an installation or by means of mobile plant to which it applies.

(4) A revocation notice must specify—

- (a) the date on which the revocation takes effect (which must be at least 28 days after the date on which the notice is served), and
- (b) in the case of a partial revocation, the extent to which the permit is being revoked.

(5) Where a permit for a Part A installation is revoked under paragraph (3)(a) or (b), and SEPA considers that the operator must take steps in respect of the installation once no longer operating to—

- (a) avoid any pollution risk resulting from the operation of the installation on the site,
- (b) return the site to a satisfactory state, taking into account the technical feasibility of the steps, or
- (c) remove, control, contain or reduce any relevant hazardous substance in soil or groundwater so that the site, taking into account its the current or approved future use, ceases to pose a significant risk to human health or the environment,

the revocation notice must specify any steps that must be taken in respect of the site (or part of the site where applicable) that are further to those required by the permit.

(6) Subject to regulation 58(10) and paragraph (7), a permit ceases to have effect in whole or part from the date specified in the notice.

(7) Where paragraph (5) applies, the permit—

(a) continues to have effect in so far as it requires steps to be taken until SEPA issues a certificate of completion stating that it is satisfied that the steps have been taken, and.

(b) any steps specified under paragraph (5) are to be treated as conditions of the permit, and regulations 46, 55, and 67 apply in relation to such steps, and to any other conditions in the permit which require steps to be taken until SEPA issues a certificate of completion.

(8) SEPA may withdraw a revocation notice before the date on which the revocation has effect.

(9) Regulation 48(12) applies for the purpose of deciding in this regulation whether a pollution risk results from the operation of a Part A installation as it applies for the purposes of regulation 48.