

SCHEDULE 10

SAVINGS AND TRANSITIONAL PROVISIONS

PART 1

General

Interpretation

1.—(1) In this Schedule—

“enactment” includes an Act of the Scottish Parliament and an instrument made under such an Act,

“existing permit” means—

- (a) a permit granted under the 2000 Regulations on or before 6th January 2013 (other than a permit revoked by paragraph 2), and
- (b) a permit where—
 - (i) a duly made application for the permit is received by SEPA on or before 6th January 2013, and
 - (ii) the permit is granted in the period beginning on 7th January 2013 and ending on 6th January 2014.

(2) In the event of any inconsistency between a condition specified in any paragraph of Part 3 of this Schedule and any other condition of a permit the specified condition shall prevail to the extent of that inconsistency.

Permits in respect of odourising natural gas or liquefied petroleum gas

2. A permit for an activity falling within paragraph (a) of Part B of Section 1.2 of Part 1 of Schedule 1 to the 2000 Regulations is revoked on the date of coming into force of these Regulations.

Permits granted, or applied for, on or before 6th January 2013

3.—(1) This paragraph applies to an existing permit for—

- (a) a Part A installation,
- (b) a Part B installation, or
- (c) any Part B mobile plant.

(2) The 2000 Regulations continue to have effect notwithstanding their revocation in relation to an existing permit—

- (a) in the period beginning on 7th January 2013 and ending on 6th January 2014, and
- (b) in respect of any application, notice, investigation or legal proceedings made or begun in that period and not determined or concluded by 7th January 2014 (including for that purpose any penalty, punishment or other sanction that may be imposed in respect of a failure to comply with a requirement of the 2000 Regulations in that period).

(3) An existing permit for a Part A installation is to be treated as suspended under these Regulations from 7th January 2014 if the installation has not been put into operation on or before 6th January 2014.

(4) Any enactment or direction modified, repealed or revoked by these Regulations is to be read as if not so modified, repealed or revoked to the extent necessary to give effect to this paragraph.

(5) An existing permit is treated as a permit granted under the 2000 Regulations for the purposes of this paragraph notwithstanding that it may be deemed by virtue of any other enactment to be a permit granted under these Regulations for any other purpose.

(6) In this paragraph, “suspended” means that a permit ceases to have effect to authorise the operation of an installation, or the carrying out of an activity in an installation, until—

- (a) the permit is varied under regulation 46, or
- (b) SEPA gives notice to the operator that the permit is no longer suspended.

Activities not requiring a permit, or requiring an environmental licence

4.—(1) This paragraph applies to an existing permit where the permit relates to activity that is not described in any Part A of Part 1 of Schedule 1 or in Schedule 2 to these Regulations (a “legacy permit”).

(2) An operator holding a legacy permit is deemed to have applied on 7th January 2013 for any environmental licence that would otherwise be required for the activity described in the permit.

(3) No fee or charge is payable by the operator to SEPA under any enactment or scheme in respect of such a deemed application.

(4) A legacy permit is, so far as not revoked, to be treated as being revoked on 7th January 2014.

(5) In this paragraph, “environmental licence” means a permit, licence or authorisation under any of—

- (a) these Regulations,
- (b) the 1990 Act,
- (c) the Water Environment (Controlled Activities) (Scotland) Regulations 2011⁽¹⁾, or
- (d) the Waste Management Licensing (Scotland) Regulations 2011⁽²⁾.

2015 installations

5.—(1) Regulation 11 applies to a 2015 installation—

- (a) from 7th July 2015, or
- (b) where an application for the purposes of paragraph (2) is not determined on or before that date, from the date the application is determined.

(2) An application for a permit to operate a 2015 installation must be received by SEPA in the period specified in sub-paragraph (3).

(3) The specified period for an activity described in Table 1 is—

- (a) for row 12, the period beginning on 7th January 2014 and ending on 7th April 2014,
- (b) for rows 3 to 8, the period beginning on 7th March 2014 and ending on 7th June 2014,
- (c) for row 11, the period beginning on 7th May 2014 and ending on 7th August 2014, and
- (d) for rows 1, 2, 9 and 10, the period beginning on 7th July 2014 and ending on 7th October 2014.

(4) An application received by SEPA for a permit for a 2015 installation before the applicable specified period—

(1) [S.S.I. 2011/209](#).

(2) [S.S.I. 2011/228](#), as amended by [S.S.I. 2012/148](#).

- (a) is deemed to have been received in that period, and
 - (b) no other period of time provided for in respect of any such application under these Regulations begins to elapse until the start of that period.
- (5) In this paragraph, a reference to an application for a permit includes an application for a variation of a permit for an installation in respect of any other activity.
- (6) In this paragraph, “2015 installation” means an installation at which an activity described in column 1 of Table 1 is carried out on or before 6th January 2013, but does not include an installation at which such an activity is carried out if—
- (a) the activity is a Part A activity for the purposes of the 2000 Regulations, and
 - (b) a permit has been granted under those Regulations in respect of the activity.
- (7) Where an activity falls within a description in more than one row of Table 1 it is to be regarded as falling only within the description that is most apt to describe the activity.

Table 1

Activity as described in Part 1 of Schedule 1

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| 1. Section 1.2, Part A, paragraph (c)(ii) |
| 2. Sections 4.1 to 4.6 |
| 3. Section 5.1 |
| 4. Section 5.3, Part A |
| 5. Section 5.4, Part A, paragraph (a)(iii) to (v) |
| 6. Section 5.4, Part A, paragraph (b) |
| 7. Section 5.6, Part A, paragraph (a) |
| 8. Section 5.6, Part A, paragraph (b) |
| 9. Section 5.7, Part A |
| 10. Section 6.1, Part A, paragraph (c) |
| 11. Section 6.6, Part A |
| 12. Section 6.8, Part A, paragraph (d)(ii) and (iii) |

Directions by the Scottish Ministers

6. A direction made by the Scottish Ministers under regulations 9(2) and 23 of the 2000 Regulations having effect on 6th January 2013 ceases to have effect on 7th January 2013.