

## SCHEDULE 1

### REGISTRATIONS AND PERMITS: PROCEDURES

#### PART 3

##### Determinations of applications by the Scottish Ministers

**23.**—(1) This paragraph applies where Scottish Ministers have directed SEPA to refer to them for their determination an application, or any part of an application, or SEPA initiated variation, or any part of a SEPA initiated variation, under paragraph 19(1).

(2) The following provisions apply to the Scottish Ministers in respect of an application referred to them in accordance with paragraph 19(1) as they do to SEPA in respect of an application made under these Regulations—

- (a) regulation 63;
  - (b) paragraph 6(2) and (5) of schedule 1; and
  - (c) paragraphs 7 and 8 of schedule 1 to the extent that SEPA has not taken the steps required by paragraph 8.
- (3) When they have made a determination under this schedule, the Scottish Ministers must—
- (a) direct SEPA to grant or refuse (in whole or in part) the application; or
  - (b) where the determination relates to a SEPA initiated variation, either—
    - (i) affirm SEPA’s decision (in whole or in part); or
    - (ii) direct SEPA to withdraw the variation.
- (4) The Scottish Ministers may direct SEPA to grant an application subject to conditions.
- (5) The Scottish Ministers must specify to SEPA the reasons for their determination.

**24.** In this schedule—

“application” or “applications” includes reference to any matter which SEPA treats as having been made in terms of regulation 60 or 61;

“third party representation” means a written representation in respect of an application made to SEPA under paragraph 8.