
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 323

**The Pollution Prevention and
Control (Scotland) Regulations 2000**

**PART II
PERMITS**

Variation of permits

13.—(1) SEPA may at any time vary the conditions of a permit and shall do so if it appears to it at that time, whether as a result of a review under regulation 11, a notification under regulation 12 or otherwise, that regulations 8 and 9 require conditions to be included which are different from the subsisting conditions.

(2) An operator of an installation or mobile plant which is permitted under these Regulations may apply to SEPA for the variation of the conditions of the permit.

(3) An application under paragraph (2) shall be made in accordance with paragraph 1 of Part 1 of Schedule 7 and shall be accompanied by any fee prescribed in respect of the application under section 41 of the Environment Act 1995; and paragraphs 2 and 3 of Part 1 of Schedule 7 shall apply with respect to such applications.

(4) Where an application is duly made under paragraph (2), SEPA shall determine, in accordance with regulations 8 and 9, whether to vary the conditions of the permit.

(5) Where SEPA decides to vary the conditions of the permit, whether on an application under paragraph (2) or otherwise, it shall serve a notice on the operator (a “variation notice”) specifying the variations of the conditions of the permit and the date or dates on which the variations are to take effect and, unless the notice is withdrawn, the variations specified in the notice shall take effect on the date or dates so specified.

(6) A variation notice served under paragraph (5) shall, unless served for the purpose of determining an application under paragraph (2), require the operator to pay, within such period as may be specified in the notice, any fee prescribed in respect of the variation notice under section 41 of the Environment Act 1995.

(7) Where SEPA decides on an application under paragraph (2) not to vary the conditions of the permit, it shall give notice of its decision to the operator.

(8) Schedule 7 shall have effect in relation to applications for variations of conditions, the determination of applications under paragraph (2) and the issuing of variation notices and Parts 1 and 2 of Schedule 7 shall apply subject to Part 3 of that Schedule (national security and confidential information).

(9) This regulation and Schedule 7 apply to the variation of any provision, other than a condition which is contained in a permit, as they apply to the variation of a condition.