
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 323

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

**PART II
PERMITS**

Transfer of permits

14.—(1) Where the operator of an installation or mobile plant wishes to transfer, in whole or in part, that operator's permit to another person ("the proposed transferee") the operator and the proposed transferee shall jointly make an application to SEPA to effect the transfer.

(2) An application under paragraph (1) shall be accompanied by the permit and any fee prescribed in respect of the transfer under section 41 of the Environment Act 1995 and shall contain—

- (a) the operator's and the proposed transferee's telephone number, address and e-mail address (if any) and, if different, any address or e-mail address to which correspondence relating to the application should be sent; and
- (b) in the case of an application to effect the transfer of a permit or part of a permit that authorises the carrying out of a specified waste management activity, any information which the applicants wish SEPA to take into account when considering whether the transferee is a fit and proper person to carry out that activity.

(3) Where the operator wishes to retain part of his permit (a "partial transfer"), an application under paragraph (1) shall—

- (a) identify the installation or mobile plant to which the transfer applies (the "transferred unit"); and
- (b) where the transfer applies to the operation of an installation or Part A mobile plant, contain a map or plan identifying the part of the site used for the operation of that installation or mobile plant (the "identified part of the site").

(4) Subject to paragraph (5), SEPA shall effect the transfer unless it considers that the proposed transferee will not be the person who will have control over the operation of the installation or mobile plant covered by the transfer after the transfer or will not ensure compliance with the conditions of the transferred permit.

(5) In the case of an application to effect the transfer of a permit or part of a permit which authorises the carrying out of a specified waste management activity, SEPA shall only effect the transfer if it is satisfied that the proposed transferee is a fit and proper person to carry out that activity.

(6) SEPA shall effect a transfer under this regulation by—

- (a) in the case of a partial transfer—
 - (i) issuing a new permit to the proposed transferee which applies to the transferred unit and, where the transfer applies to the operation of an installation or Part A mobile

plant, the identified part of the site covered by the transfer and includes the conditions required by paragraph (7); and

(ii) returning the original permit to the operator endorsed to record the transfer and varied to show the installation or installations or mobile plant and, where the transfer applies to the operation of an installation or Part A mobile plant, the site covered by the permit after the transfer and the conditions applying after the transfer required by paragraph (7); and

(b) in case of a transfer of the whole permit, causing the permit to be endorsed with the name and other particulars of the proposed transferee as the operator of the installation or mobile plant concerned,

and the transfer shall take effect from such date as may be agreed with the applicants and specified in the endorsement and, in the case of a partial transfer, the new permit.

(7) In the case of a partial transfer effected under this regulation, the conditions included in the new permit and original permit after the transfer shall be the same as the conditions included in the original permit immediately before the transfer in so far as they are relevant to any installation, site and mobile plant covered by the new permit or the original permit, as the case may be, but subject to such variations as, in the opinion of SEPA, are necessary to take account of the transfer.

(8) If within the period of two months beginning with the date on which SEPA receives an application under paragraph (1), or within such longer period as SEPA and the applicants may agree in writing (or in electronic form), SEPA has neither effected the transfer nor given notice to the applicants that it has rejected the application, the application shall, if the operator notifies SEPA in writing (or in electronic form) that they treat the failure as such, be deemed to have been refused at the end of that period or that longer period, as the case may be.