
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 348

The Water Environment (Controlled Activities) (Scotland) Regulations 2005

PART III

Applications and Application Procedure

PROSPECTIVE

Determinations of applications by the Scottish Ministers

17.—(1) The Scottish Ministers may direct SEPA to refer to them for their determination—

- (a) applications under these Regulations of any class or description specified in the direction;
- (b) any particular application, or any part of any particular application,

and the provisions of this regulation apply to any application referred to the Scottish Ministers for their determination in accordance with this paragraph.

(2) The Scottish Ministers shall consult SEPA before issuing a direction under paragraph (1).

(3) The Scottish Ministers may cause a local inquiry to be held in relation to any such application, and the provisions of subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973⁽¹⁾ (power to direct inquiries) apply to inquiries held in accordance with this provision.

(4) The provisions of regulations 13, 14 and 15(1) to (3) apply to the Scottish Ministers in respect of an application referred in accordance with paragraph (1) as they do to SEPA in respect of an application made under regulation 12.

(5) When they have determined an application, the Scottish Ministers shall direct SEPA—

- (a) to grant or refuse to grant an authorisation to carry on the activity, or any of the activities, referred to in the application or in the relevant part of the application, as the case may be;
- (b) where the determination is that an authorisation is to be granted under regulation 8 or 9, to grant that authorisation in accordance with that regulation;
- (c) where the determination is that an authorisation is to be granted subject to conditions, to grant that authorisation, specifying the conditions on which the authorisation is to be granted, and, if appropriate, identifying the responsible person for that authorisation;
- (d) where the determination is to refuse to grant an authorisation, to notify the applicant of that refusal, specifying the reasons for refusal.

⁽¹⁾ 1973 c. 65; amended by the Criminal Procedure (Scotland) Act 1975 (c. 4) and the Housing and Planning Act 1986 (c. 63).

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

II Reg. 17 in force at 1.4.2006, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to :

- Instrument appl by [S.S.I. 2006/133 reg 3](#)
- Regulations revoked by [S.S.I. 2011/209 reg. 58\(1\)\(a\)](#)
- reg. 17 coming into force by [S.S.I. 2005/348 reg. 1\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 16 words substituted by [S.S.I. 2009/420 reg. 4\(7\)](#)
- Sch. 8 para. 1(v)(w) inserted by [S.S.I. 2009/420 reg. 4\(9\)\(b\)](#)
- reg. 10(A1) inserted by [S.S.I. 2009/420 reg. 4\(4\)\(a\)](#)
- reg 15A added by [S.S.I. 2006/553 reg 2](#)