

SCHEDULE 5

TRANSITIONAL AND SAVINGS PROVISIONS

PART 1

General

4.—(1) This paragraph applies to a person (“A”) carrying on a new activity immediately before the relevant date.

(2) Where A is lawfully carrying on a new activity, other than one referred to in sub-paragraph (3), immediately before the relevant date, the activity is treated as authorised under these Regulations during the period beginning with the relevant date and ending on the date specified in sub-paragraph (4).

(3) Where A is carrying on a new activity which, immediately before the relevant date, was exempted from the requirement to have an existing licence by the Exemption Order then, notwithstanding the repeal of the 1993 Act and the Exemption Order, the 1993 Act and the Exemption Order continue to have effect in relation to that activity during the period beginning with the relevant date and ending on the date specified in sub-paragraph (4).

(4) The date specified for the purposes of sub-paragraphs (2) and (3) is the later of—

(a) the 6 months date; or

(b) where an application for a permit or registration or for a variation of an existing licence, was accepted by SEPA before the 6 months date, the date on which the application is concluded.

(5) Where SEPA requires a new activity being carried on by A to be authorised by means of notification, notwithstanding regulation 13(1), a notification made before the 6 months date has effect from the 6 months date.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Authorisations (Scotland) Regulations 2018, Paragraph 4.