
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

**The Water Environment (Controlled
Activities) (Scotland) Regulations 2011**

PART IV

Modification and termination of authorisations

Procedure for variation

23.—(1) Regulations 11, 12, 13, 14, 15(1) and 15(6) apply when SEPA is considering variation of an authorisation under regulation 22 as if the variation proposed by SEPA is an application, and the responsible person or operator, as the case may be, is the applicant.

(2) Subject to regulation 16, SEPA must determine whether—

- (a) to grant; or
- (b) not to grant,

the variation of an authorisation under paragraph (1).

(3) If SEPA determines to grant the variation of an authorisation under paragraph (1), it must serve notice on the applicant specifying—

- (a) the variations being made to the authorisation; and
- (b) the date on which the variations are to take effect which must not be less than 3 months from the date on which the notice was served.

(4) If SEPA determines not to grant the variation of an authorisation which it has proposed under paragraph (1) it must give reasons for that determination to the applicant.

(5) SEPA may issue a varied authorisation to the applicant incorporating the variations made under this regulation.

(6) If SEPA issues a notice under regulation 13(2) requiring the responsible person or operator to advertise the variation of an authorisation proposed by SEPA under this regulation, and that person fails to comply with that notice, SEPA may advertise the proposed variation, and is entitled to recover the costs it reasonably incurs in doing so from that person.