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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2018 No.**

The Environmental Authorisations (Scotland) Regulations 2018

PART 5

Permits

**Permits**

**20.** A regulated activity is authorised under these Regulations where an authorised person has been granted a permit by SEPA for the carrying on of the activity.

**Applications for permits**

**21.** An application to SEPA for a permit must be made in accordance with schedule 1 by a person who has, or will have, control over the regulated activity sought to be authorised.

**Form and content of permits**

**22.—(1)** A permit must be granted by SEPA in writing and must specify—

- (a) the activity authorised;
- (b) the authorised person;
- (c) any conditions (including any standard conditions) to which the permit is subject;
- (d) the date on which the permit takes effect; and
- (e) the authorised place.

(2) SEPA may specify in a permit that the permit ceases to have effect on a specified date.

(3) In granting a permit, SEPA may impose such conditions as it thinks fit including, in particular, either or both—

- (a) standard conditions;
- (b) an off-site condition in accordance with schedule 2.

(4) SEPA may impose standard conditions in a permit by specifying the standard conditions which are to be conditions of the permit.

(5) A reference in a permit to standard conditions is to the conditions as revised from time to time.

(6) Where a standard condition is inconsistent with any other condition of a permit, the other condition shall prevail to the extent of that inconsistency.

(7) Schedule 2 has effect in relation to off-site conditions.

**Grant of permit**

**23.—(1)** SEPA may grant a permit authorising the carrying on of one or more regulated activities.

(2) SEPA may grant a permit authorising the carrying on of a regulated activity at one or more than one place.

(3) SEPA must not grant a permit unless it is satisfied that the applicant—

(a) is the person who has, or will have, control over the regulated activity; and

(b) is a fit and proper person to be in control of the activity.

### **Review of permits**

**24.** SEPA may review the conditions of a permit at any time.

### **Variation of permits**

**25.**—(1) SEPA may vary a permit at any time in accordance with schedule 1, either on the application of the authorised person (“an application for variation”) or on its own initiative (“a SEPA initiated variation”).

(2) A variation under this regulation must not reduce the geographical extent of an authorised place.

(3) A variation under this regulation must not reduce the number of regulated activities authorised by the permit.

(4) This regulation applies to a variation of a provision of a permit in the same manner as it applies to the variation of a condition.

(5) SEPA must not grant an application for variation unless it is satisfied that the authorised person—

(a) is the person who will have control over the regulated activities which would be authorised by the permit if the application for variation were granted; and

(b) is a fit and proper person to be in control of the regulated activities which would be authorised by the permit if the application for variation were granted.