
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

The Environmental Authorisations (Scotland) Regulations 2018

PART 6

Provisions relating to registrations and permits

Schedule 1

26. Schedule 1 has effect.

Transfer of a registration or permit

27.—(1) Subject to paragraphs (2), (3) and (4), a registration or permit may not be transferred by the authorised person.

(2) SEPA may transfer (in whole or in part) a registration or permit to a person (“the proposed transferee”) on the joint application of the authorised person or authorised persons and the proposed transferee.

(3) SEPA may transfer (in whole or in part) a registration or permit on the application of the proposed transferee where the proposed transferee has demonstrated to SEPA’s satisfaction that no authorised person can be found.

(4) SEPA may transfer (in whole or in part) a registration or permit on the joint application of those authorised persons who can be found and the proposed transferee where—

- (a) there is more than one authorised person; and
- (b) the proposed transferee has demonstrated to SEPA’s satisfaction that one or more of those persons cannot be found.

(5) The authorised person or, where there is more than one authorised person, all the authorised persons and the proposed transferee must make an application to SEPA for transfer of a registration or permit where—

- (a) the authorised person intends to cease or has ceased to be the person in control of the carrying on of the activity; and
- (b) the proposed transferee is, or will be, in control of the carrying on of the activity.

(6) SEPA must not grant an application for transfer of a registration or permit unless it is satisfied that the proposed transferee—

- (a) has or will have control over the regulated activity; and
- (b) is a fit and proper person or persons to be in control of the activity.

(7) SEPA may vary the registration or permit if it considers it necessary to do so to take account of the transfer.

Effect of transfer

28.—(1) With effect from the date on which SEPA grants an application for transfer of a registration or permit, the person who was the authorised person immediately before the transfer ceases to be an authorised person (in respect of the part of the permit being transferred).

(2) Where—

- (a) a regulatory notice or a surrender notice is in force in respect of a permit or registration; and
 - (b) the permit or registration is transferred to the proposed transferee, either in whole or in part,
- the duty to comply with the notice is also transferred to the proposed transferee to the extent that it relates to the permit or registration (or part of the permit or registration) transferred.

Transfer of revocation notice

29.—(1) Where a revocation notice is in force in respect of a permit or registration, SEPA may transfer (in whole or in part) the duty to comply with the revocation notice to a person (“the proposed transferee”) on the joint application of the authorised person or authorised persons and the proposed transferee.

(2) SEPA may transfer (in whole or in part) the duty to comply with a revocation notice on the application of the proposed transferee where the proposed transferee has demonstrated to SEPA’s satisfaction that no authorised person can be found.

(3) SEPA may transfer (in whole or in part) the duty to comply with a revocation notice on the joint application of those authorised persons who can be found and the proposed transferee where—

- (a) there is more than one authorised person; and
- (b) the proposed transferee has demonstrated to SEPA’s satisfaction that one or more of those persons cannot be found.

(4) SEPA must not grant an application to transfer the duty to comply with a revocation notice unless it is satisfied that the proposed transferee—

- (a) has or will have control over the regulated activity;
- (b) will ensure that the steps specified in the revocation notice are complied with; and
- (c) is a fit and proper person or persons to be in control of the activity.

(5) Where SEPA grants an application to transfer the duty to comply with a revocation notice, the duty to comply with the notice is transferred from the authorised person to the proposed transferee to the extent notified to the proposed transferee and the authorised person by SEPA.

Surrender of registration or permit

30.—(1) This paragraph applies where a registration or permit is in force and—

- (a) it is intended that the regulated activity (in whole or in part) will cease, or has ceased, to be carried on;
- (b) it is intended that the geographical extent of an authorised place will be reduced; or
- (c) the authorised person—
 - (i) is no longer the person who has control over the activity; and
 - (ii) has not made an application for the transfer of the registration.

(2) Where paragraph (1) applies, the authorised person must apply to SEPA to surrender (in whole or in part) the registration or permit, and SEPA must grant or refuse that application.

Revocation of permits and registrations

31. SEPA may at any time revoke (in whole or in part) a permit or a registration by serving a notice (a “revocation notice”) on the authorised person.

Subsistence of a registration or permit

32.—(1) A registration or permit ceases to have effect only on a date specified in paragraph (2).

(2) The dates specified are—

- (a) in the case of a registration or permit, the date on which it is—
 - (i) surrendered in whole in accordance with regulation 30; or
 - (ii) revoked in whole in accordance with regulation 31,
- (b) in the case of a registration, the date, if any, which SEPA specifies in the registration in accordance with regulation 17(4); and
- (c) in the case of a permit, the date, if any, which SEPA specifies in the permit in accordance with regulation 22(2).