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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2018 No.**

The Environmental Authorisations (Scotland) Regulations 2018

PART 6

Provisions relating to registrations and permits

**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.