

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2018 No.**

**The Environmental Authorisations (Scotland) Regulations 2018**

**PART 12**

**Appeals**

**Appeals to the Scottish Ministers**

**55.**—(1) A person—

- (a) who has been refused, in whole or in part, the grant of a registration or permit under paragraph 9 of schedule 1;
- (b) who is deemed to have been refused the grant of a registration or permit under paragraph 10(1) of schedule 1;
- (c) whose application for a registration or permit has been deemed withdrawn by SEPA under paragraph 6(3) or 8(3) of schedule 1;
- (d) who is aggrieved by the conditions attached to the person's permit (including the specification of standard conditions, but not the standard conditions themselves)—
  - (i) following an application for a permit under regulation 21;
  - (ii) by variation, either following an application under regulation 25 or otherwise;
- (e) who has been granted a form of authorisation under regulation 60 or 61 which is different from the form of authorisation which that person believes ought to have been granted;
- (f) whose application for variation of an authorisation under regulation 25 has been refused (in whole or in part) or deemed refused;
- (g) on whom a notice requiring the provision of information under regulation 37 has been served;
- (h) whose application for transfer of an authorisation under regulation 27 has been refused or deemed refused, or who is aggrieved by the conditions attached to the person's authorisation to take account of a transfer;
- (i) whose application to surrender an authorisation under regulation 30 has been refused or deemed refused;
- (j) who is aggrieved by a step specified in the surrender notice served by SEPA under paragraph 15 of schedule 1;
- (k) on whom a revocation notice has been served;
- (l) whose application for the transfer of a duty to comply with a revocation notice under regulation 29 has been refused or deemed refused;
- (m) on whom a regulatory notice has been served;
- (n) on whom a costs recovery notice has been served and either or both of the following apply—
  - (i) the person is aggrieved by service of the notice;

- (ii) the person believes that some or all of the costs were not incurred or were unnecessarily incurred;
- (o) who has applied under regulation 41(1) to have information excluded from the register on the ground that it is commercially confidential and SEPA has decided the information is not commercially confidential;
- (p) who is aggrieved by a decision by SEPA under regulation 42(4) that information is no longer commercially confidential;
- (q) whose consent is required for the authorised person to comply with an off-site condition which has been included in an authorisation; and
- (r) whose authorisation or authorisations have been consolidated by a SEPA initiated consolidation under regulation 64(2),

may appeal to the Scottish Ministers against the decision or determination.

(2) Paragraph (1) does not apply where the decision or notice (as the case may be) gives effect to a direction under regulation 56(1) or paragraph 23(3) of schedule 1.

(3) Paragraph (1)(d) does not apply to a condition attached to a permit following variation of the permit under regulation 25 or consolidation under regulation 64 if the condition (or an equivalent condition) was attached to the permit immediately prior to the variation or to a non-consolidated authorisation immediately prior to consolidation.

(4) In this regulation, “person” includes a person to whom a permit or registration has been transferred after the decision which is the subject of the appeal has been made or the notice which is the subject of the appeal has been served.

(5) Schedule 4 has effect.