

SCHEDULE 1

REGISTRATIONS AND PERMITS: PROCEDURES

PART 2

Call-in procedure

18.—(1) This Part applies to—

- (a) an application for—
 - (i) grant of a permit;
 - (ii) variation of a permit; or
 - (iii) surrender of a permit; and
- (b) a SEPA initiated variation,

in respect of which a third party representation has been made.

19.—(1) The Scottish Ministers may direct SEPA that an application or a SEPA initiated variation to which this Part applies is referred to the Scottish Ministers for determination.

(2) SEPA must comply with a direction made under sub-paragraph (1).

(3) The Scottish Ministers must determine a matter referred to them for determination under this paragraph in accordance with Part 3.

20. Before granting an application or issuing a variation to which this Part applies SEPA must—

- (a) serve notice of its proposed determination on any person who has made a representation under paragraph 8(6) in respect of the application or SEPA initiated variation specifying that the person may, within the period of 21 days beginning with the date of service of the notice (“the 21 day period”), notify the Scottish Ministers in writing that that person objects to SEPA’s proposed determination; and
- (b) notify the applicant that—
 - (i) it has made a proposed determination, and make a copy of the proposed determination available to the applicant;
 - (ii) the 21 day period has commenced; and
 - (iii) the application will be granted as soon as practicable following the occurrence of one of the days specified in paragraph 22, unless Scottish Ministers direct otherwise.

21. SEPA must not determine an application or SEPA initiated variation to which this Part applies before the occurrence of one of the days specified in paragraph 22.

22. The days specified are—

- (a) where every person who made a third party representation has waived (in writing) his or her opportunity to object before the end of the 21 day period, the day on which the last person waived his or her opportunity;
- (b) where no objections have been made to the Scottish Ministers, the day on which the 21 day period expires;
- (c) where Scottish Ministers have received an objection within the 21 day period—

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Environmental Authorisations (Scotland) Regulations 2018 No. 219

- (i) the day on which SEPA receives written notice from the Scottish Ministers confirming that the Scottish Ministers do not intend to direct SEPA to refer the application or SEPA initiated variation to them for their determination; or
 - (ii) where no such notice has been received from the Scottish Ministers, the day falling 28 days after the day on which the 21 day period expired;
- (d) where the Scottish Ministers have directed SEPA to refer the matter to them for determination, the day on which SEPA receives a direction from Scottish Ministers under paragraph 19(1) to determine the matter in a particular way.