
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 348

**The Water Environment (Controlled
Activities) (Scotland) Regulations 2005**

PART VIII

Appeals

Determination of Appeals

47. On determining an appeal against a decision of SEPA referred to in regulation 46, the Scottish Ministers may—

- (a) affirm the decision, or any part of it;
- (b) where the decision was a refusal to—
 - (i) grant an authorisation;
 - (ii) grant a form of authorisation; or
 - (iii) vary any condition of an authorisation,direct SEPA to grant the authorisation, the form of authorisation or vary the conditions of the authorisation, as the case may be;
- (c) where the decision was as to the conditions attached to an authorisation, quash or vary all or any of the conditions of the authorisation;
- (d) where the decision was a refusal to effect the transfer of, or accept the surrender of, an authorisation, direct SEPA to effect the transfer or accept the surrender, as the case may be;
- (e) where the decision was to serve a notice under regulation 20(2), 26 or 28(2), either quash or affirm the notice, and if they affirm it, they may do so in its original form or with such modifications as they may think fit;
- (f) where the decision was a determination that information is not commercially confidential, either affirm the determination or quash it,

and where they exercise any of the powers in paragraph (b), (c) or (e) the Scottish Ministers may give directions as to the conditions to be attached to the authorisation or the terms of the notice, as the case may be.