

## SCHEDULE 5

Regulations 11(1)(a) and 18(4)(b)

### Charging Scheme

1. In the case of an authorisation under these Regulations, SEPA may require the payment to it of such charges as it may from time to time provide for in a charging scheme made in accordance with this Schedule.

2. Charges may be made in respect of:

- (a) the grant or imposition of an authorisation under regulations 7, 8 or 10;
- (b) the variation of any authorisation under regulations 18, 23 or 24;
- (c) the subsistence of an authorisation;
- (d) the transfer of an authorisation to another person, under regulation 25;
- (e) the surrender of an authorisation under regulation 27;
- (f) the determination that information is confidential under regulation 39.

3. A charging scheme may impose:

- (a) a single charge in respect of the whole of any authorisation;
- (b) separate charges in respect of different parts of any such authorisation;
- (c) both such a single charge and such separate charges.

4. A charging scheme may provide for charges as are reasonable or necessary to meet the requirements of paragraph 6, and may in particular provide for different charges to be payable according to:

- (a) the description of the authorisation in question;
- (b) the controlled activity in question;
- (c) the scale on which the controlled activity is carried on;
- (d) the description or amount of any substance to which the controlled activity in question relates;
- (e) the number of different controlled activities carried on by the same person.

5. A charging scheme:

- (a) must specify, in relation to any charge prescribed by the scheme, the description of the person who is liable to pay the charge;
- (b) may provide that it must be a condition of an authorisation that any charge prescribed is paid in accordance with the scheme;
- (c) may, if appropriate, provide incentives to secure efficient and sustainable water use.

6. In making a charging scheme SEPA must secure that the amounts recovered by way of charges prescribed by the charging scheme are, together with any grants paid to SEPA under section 47 of the Environment Act 1995 <sup>M1</sup> in respect of the functions under—

- (a) the Act;
- (b) the Water Environment (Water Framework Directive) (Northumbria River Basin District Regulations 2003 <sup>M2</sup>;
- (c) the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004 <sup>M3</sup>; and
- (d) these Regulations,

the amounts which, taking one year with another need to be recovered by SEPA to meet the costs and expenses which it incurs in carrying out, or having others carry out, those functions.

**Marginal Citations**

- M1** 1995 c.25; amended by the Scotland (Consequential Modifications No. 2) Order 1999 (S.I. 1999/1820).
- M2** S.I. 2003/3245.
- M3** S.I. 2004/99.

7. Without prejudice to paragraph 5(b), if it appears to SEPA that any charges due and payable to it in respect of an authorisation have not been paid, it may suspend or revoke the authorisation (in whole or in part).

8. A charging scheme may:

- (a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities;
- (b) provide for the times at which and the manner in which, the charges prescribed by the scheme are to be paid;
- (c) revoke or amend any previous charging scheme;
- (d) contain incidental, consequential or transitional provision for the purposes of the scheme.

9. SEPA must not make a charging scheme unless the provisions of the scheme are approved by the Scottish Ministers.

10. Before submitting a proposed charging scheme to the Scottish Ministers for their approval under paragraph 9, SEPA must, in such manner as it considers appropriate for bringing it to the attention of persons affected or likely to be affected by, or having an interest in, the scheme, publish a notice—

- (a) setting out its proposals; and
- (b) specifying the period within which representations or objections with respect to its proposals may be made to the Scottish Ministers.

11. If any proposed charging scheme is submitted to the Scottish Ministers for approval under paragraph 9, the Scottish Ministers must, in determining whether or not to approve the scheme or to approve it subject to modifications—

- (a) consider any representations or objections duly made to them and not withdrawn; and
- (b) have regard to the matters specified in this Schedule.

12. It is the duty of SEPA to take such steps as it considers appropriate for bringing the provisions of the charging scheme made by it which is for the time being in force to the attention of persons affected or likely to be affected by, or having an interest in the provisions.

**Changes to legislation:**

There are currently no known outstanding effects for the The Water Environment (Controlled Activities) (Scotland) Regulations 2011, SCHEDULE 5.