

## SCHEDULE 8

Regulation 37

### Register

1. The register maintained by SEPA under regulation 37 must contain all particulars of:
  - (a) any application made to SEPA for an authorisation;
  - (b) any notice to the applicant by SEPA under regulation 13(2), 14(1) or 16(2);
  - (c) any advertisement published pursuant to regulation 13 and any representations made by any person in response to such an advertisement, other than representations which the person who made them requested should not be placed in the register;
  - (d) in a case where any such representations are omitted from the register at the request of the person who made them, a statement by SEPA that representations have been made which have been the subject of such a request (but such statement must not identify the person who made the representations in question);
  - (e) any representations made by any public authority under regulation 12(2);
  - (f) any authorisation granted, or deemed to be granted, under these Regulations;
  - (g) in the case of an application in respect of a controlled activity that SEPA considered likely to have a significant adverse impact on the water environment, the main reasons for the grant or refusal of the application, the matters considered in determining the application, and details of any mitigation measures to be taken;
  - (h) any authorisation imposed by SEPA;
  - (i) any application made to SEPA for the variation, transfer or surrender of an authorisation;
  - (j) any variation, transfer and surrender of, or cessation of activity permitted under, any authorisation granted by SEPA;
  - (k) any suspension or revocation of an authorisation granted by SEPA;
  - (l) any notice issued by SEPA withdrawing or modifying a variation notice, a notice of surrender or a notice of suspension or revocation;
  - (m) any enforcement notice, issued by SEPA;
  - (n) any notice issued by SEPA withdrawing or modifying any enforcement notice;
  - (o) any notice of appeal against a decision by SEPA or a notice served by it and of the documents relating to the appeal mentioned in paragraph 2(a), (d) and (e) of Schedule 9;
  - (p) any representations made by any person in response to a notice given under paragraph 6 of Schedule 9, except where the person making the representation has requested that the representation be omitted from the register;
  - (q) where paragraph (n) applies a statement that representations have been made which have been the subject of such a request (but such statement must not identify the person who made the representations);
  - (r) any written notification of the determination by the Scottish Ministers of an appeal and any report accompanying any written notification;
  - (s) any monitoring information relating to the carrying on, or the causing or permitting of the carrying on, of a controlled activity under an authorisation granted by SEPA which has been obtained by it as a result of its own monitoring or furnished to it in writing by virtue of a condition of the authorisation or under regulation 36(2);
  - (t) in a case where any monitoring information is omitted from the register by virtue of regulation 38, a statement by SEPA, based on the monitoring information from time to time obtained by or furnished to it, indicating whether or not there has been compliance with any relevant condition of the authorisation;

**Status:** This is the original version (as it was originally made).

- (u) any other information furnished in compliance with a condition of the authorisation, a variation notice, enforcement notice, suspension notice or works notice, or by virtue of regulation 36(2);
  - (v) any direction given to SEPA under any provision of these Regulations;
  - (w) convictions for offences under these Regulations;
  - (x) any exemptions granted by SEPA in accordance with Article 6(3) of the Groundwater Directive 2006; and
  - (y) any emissions, discharges or losses of any of the priority substances or pollutants listed in Part A of Annex I to the Priority Substances Directive.
2. If an application is withdrawn by the applicant at any time before it is determined, all particulars relating to that application which are already in the register must be removed from the register not less than two months and not more than three months after the date of withdrawal of the application, and no further particulars relating to that application may be entered in the register.
3. Nothing in paragraph 1 will require SEPA to keep in the register maintained by it—
- (a) monitoring information relating to a particular controlled activity 6 years after that information was entered in the register; or
  - (b) information relating to a controlled activity which has been superseded by new information relating to that controlled activity 6 years after that new information was entered in the register.
4. Paragraph 3(a) does not apply to any aggregated monitoring data relating to specific impacts or classes of impacts on the water environment from controlled activities generally or from any class of controlled activities.