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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 219**

The Environmental Authorisations (Scotland) Regulations 2018

PART 13

Duties and functions of SEPA

**Power of SEPA to escalate or de-escalate authorisations**

**61.**—(1) Where it appears to SEPA that a person is carrying on (or is likely to carry on) a regulated activity under an authorisation (“the original authorisation”), but that it should be authorised by a different type of authorisation (“the replacement authorisation”), SEPA may treat the activity as an activity—

- (a) which has been notified;
- (b) in respect of which an application for a registration has been made; or
- (c) in respect of which an application for a permit has been made,

as SEPA thinks fit.

(2) Where SEPA decides to treat an activity as being notified, or as an activity in respect of which an application for a registration or permit has been made, in accordance with paragraph (1)—

- (a) any fee payable under a charging scheme for that notification or application is payable;
- (b) these Regulations apply as if such a notification or application had been made; and
- (c) the original authorisation is replaced by the replacement authorisation when—
  - (i) SEPA informs the authorised person that the replacement authorisation has been placed on the register, if it is a notification; or
  - (ii) SEPA grants the replacement authorisation, if it is a registration or permit.

(3) Where SEPA decides to treat an activity as being notified, or as an activity in respect of which an application for a registration or permit has been made, SEPA must give notice that it is treating the activity in accordance with paragraph (1) to the person it considers will be the authorised person in the event that the replacement authorisation is granted or placed on the register.