
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 219

The Environmental Authorisations (Scotland) Regulations 2018

PART 14

SEPA— guidance and public participation statement

SEPA guidance – fit and proper person

68.—(1) When SEPA prepares and publishes guidance under regulation 66(1)(e) about the criteria which apply in determining whether a person is a fit and proper person—

- (a) the criteria which must apply include whether the person is likely to comply or secure compliance with the conditions of the authorisation which apply, or would apply, to the carrying on of the activity;
- (b) the criteria that may apply include—
 - (i) whether the person or a relevant associate has been convicted of a relevant offence;
 - (ii) the significance of the offence;
 - (iii) whether the activity will be carried on by someone who is technically competent;
 - (iv) whether the person has made adequate financial provision to protect against any foreseeable or potential environmental harm or effect on the environment likely to result from the activity; and
 - (v) criteria relating to such other matters as SEPA thinks fit.

(2) In this regulation, “relevant associate” includes—

- (a) any body corporate of which the person whose status as a fit and proper person is being considered is or has been a director, manager, secretary or other similar officer;
- (b) any partnership (other than a limited liability partnership) of which the person whose status as a fit and proper person is being considered is, or has been, a partner;
- (c) any limited liability partnership of which the person whose status as a fit and proper person is being considered is, or has been, a member;
- (d) where the person whose status as a fit and proper person is being considered is a partnership (other than a limited liability partnership), a partner or former partner;
- (e) where the person whose status as a fit and proper person is being considered is a limited liability partnership, a member or former member;
- (f) where the person whose status as a fit and proper person is being considered is a body corporate—
 - (i) a current or former director, manager, secretary or other similar officer;
 - (ii) any other body corporate of which a director, manager, secretary or other similar officer of the person is or has been a director, manager, secretary or other similar officer; and
 - (iii) any person who is a member of that body corporate;

- (g) where the person whose status as a fit and proper person is being considered is an unincorporated association, any officer of the association;
 - (h) an employee of—
 - (i) the person whose status as a fit and proper person is being considered;
 - (ii) a partnership (other than a limited liability partnership) of which the person is or has been a partner;
 - (iii) a limited liability partnership of which the person is or has been a member;
 - (iv) a body corporate of which the person is or was a director, manager, secretary or other officer; and
 - (i) such other persons, or classes of person, as SEPA thinks fit.
- (3) In this regulation, “relevant offence” means an offence which SEPA considers to be relevant to the criteria referred to in paragraph (1)(a).

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Authorisations (Scotland) Regulations 2018, Section 68.