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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2018 No.**

**The Environmental Authorisations (Scotland) Regulations 2018**

**PART 3**

**Notifications**

**Notification and application of general binding rules**

**11.** SEPA may require that a regulated activity is to be authorised by means of notification whether or not the carrying on of the regulated activity is also subject to general binding rules.

**Notifications**

- 12.—**(1) A regulated activity to which paragraph (2) applies is authorised where—
- (a) SEPA has been notified, in accordance with this Part, that the activity is being, or is proposed to be, carried on (“notification”); and
  - (b) the activity is carried on in compliance with any general binding rules specified for that activity.
- (2) This paragraph applies to an activity specified in guidance published under regulation 66(1)
- (a) as being subject to a requirement to notify.
  - (3) A notification must—
    - (a) be made by a person who is, or will be, in control of the activity;
    - (b) be in such form as SEPA may from time to time require; and
    - (c) contain—
      - (i) the name and address of the person making the notification;
      - (ii) a description of the regulated activity;
      - (iii) the place at which the activity will be carried on;
      - (iv) any particulars required by virtue of the technical schedule; and
      - (v) any such other particulars as SEPA may reasonably require.
  - (4) A notification must be accompanied by any fee that is payable under a charging scheme.
  - (5) Where a notification is made in accordance with this regulation, SEPA must—
    - (a) place the particulars specified in paragraph (3)(c) on the register within 7 days of the notification being made;
    - (b) inform the authorised person within 7 days of the notification being made—
      - (i) that the notification has been placed on the register;
      - (ii) of the date, if any, on which the notification ceases to have effect.

### **Effect and cessation of notifications**

**13.**—(1) A notification has effect from the date on which SEPA informs the authorised person that it has been placed on the register.

(2) A notification ceases to have effect on—

- (a) the date the notification is surrendered; or
- (b) the date, if any, of which the authorised person was informed under regulation 12(5)(b)(ii) as being the date on which the notification ceases to have effect.

### **Surrender of notifications**

**14.**—(1) An authorised person who has notified an activity may surrender the notification by giving notice to SEPA.

(2) A notice under this regulation must be in a form specified by SEPA and must include such information as SEPA may reasonably require.

(3) Where SEPA is notified of a surrender in accordance with paragraph (1), SEPA must—

- (a) remove the associated entry from the register; and
- (b) inform the authorised person of the date on which it does so,

within 7 days of the notice being given.

(4) The notification ceases to have effect on the date on which SEPA informs the authorised person that it has removed the associated entry from the register.