
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

The Environmental Authorisations (Scotland) Regulations 2018

PART 12

Appeals

Determination of appeals

56.—(1) On determining an appeal against a decision of SEPA referred to in regulation 55(1), the Scottish Ministers may—

- (a) affirm the decision, or any part of it;
- (b) where the decision is a refusal to—
 - (i) grant an authorisation;
 - (ii) grant a form of authorisation; or
 - (iii) vary a condition of an authorisation,direct SEPA to grant the authorisation or the form of authorisation or vary the conditions of the authorisation, as the case may be;
- (c) where the decision relates to the conditions attached to an authorisation, direct SEPA to vary any or all of the conditions of the authorisation;
- (d) if the decision is a refusal to effect the transfer of, or accept the surrender of, an authorisation, direct SEPA to effect the transfer or accept the surrender, as the case may be;
- (e) where the decision is to serve a notice—
 - (i) direct SEPA to withdraw the notice;
 - (ii) affirm the notice in its original form; or
 - (iii) direct SEPA to vary the notice as the Scottish Ministers think fit;
- (f) where the decision is a decision that information is not commercially confidential, either affirm the decision or direct SEPA to treat the information as commercially confidential.

(2) SEPA must comply with a direction given to it under this regulation.

(3) A determination of an appeal by the Scottish Ministers is final.

(4) The determination or disposal of an appeal which relates to a decision to specify standard conditions in a permit does not affect the continued validity of the standard conditions published under regulation 35.