
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

The Environmental Authorisations (Scotland) Regulations 2018

PART 13

Duties and functions of SEPA

Accelerated applications

- 63.**—(1) This paragraph applies where SEPA considers that, by reason of an emergency—
- (a) an application for a registration or permit requires to be determined within a shorter period of time than the procedures specified in schedule 1 allow; or
 - (b) a variation of a permit or registration (whether on the application of the authorised person or initiated by SEPA) requires to be determined within a shorter time than the procedures specified in schedule 1 allow.
- (2) Where paragraph (1) applies, regulations 17(1) and 22(1), and paragraphs 1, 5, 7, 8, 10, 11, 12 and 13 of schedule 1 and paragraph 3 of schedule 2, do not apply.
- (3) Where paragraph (1) applies, SEPA must comply with regulations 18(3), 19(3), 23(3) and 25(5) only insofar as it is practicable to do so.
- (4) Where paragraph (1) applies, an application—
- (a) must be made in such form and must be accompanied by such information as SEPA may require (and, if SEPA so determines, need not be in writing); and
 - (b) must be accompanied by any fee payable in accordance with a charging scheme.
- (5) SEPA must decide whether to grant or refuse (in whole or in part) an accelerated application within such time period as it considers appropriate in all the circumstances.
- (6) Where SEPA decides to grant an accelerated application, it must notify the authorised person in so far as it is practicable to do so of—
- (a) the activity authorised;
 - (b) the authorised person;
 - (c) any conditions or standard conditions to which the authorisation is subject;
 - (d) the date on which the authorisation takes effect; and
 - (e) the authorised place.
- (7) Where SEPA determines the variation of an authorisation under this regulation (whether or not initiated by SEPA), it must notify the authorised person of—
- (a) the variations being made to the authorisation; and
 - (b) the date on which the variations are to take effect.
- (8) Where SEPA notifies a person other than in writing of a determination under paragraph (6) or (7), SEPA must also notify the person in writing when it is practicable to do so.
- (9) In this regulation—

“accelerated application” means an application or SEPA initiated variation to which this regulation applies in accordance with paragraph (1)(a) or (b); and

“emergency” has the same meaning as it does in section 1 of the Civil Contingencies Act 2004⁽¹⁾.

⁽¹⁾ 2004 c.36.