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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 348**

**The Water Environment (Controlled  
Activities) (Scotland) Regulations 2005**

**PART VI**

**Information and Register**

**Review of determination of commercial confidentiality**

**37.**—(1) SEPA shall periodically review its determinations under this Part that information is commercially confidential, and may do so at any time.

(2) Where SEPA is carrying out a review under paragraph (1), it shall—

- (a) give the person to whom or to whose business the determination relates notice that it is reviewing that determination; and
- (b) give that person a reasonable opportunity of making representations regarding the commercial confidentiality of the information, including an indication of why the person may consider that the information remains commercially confidential, together with such further information in support of those representations as the person considers appropriate.

(3) The provisions of regulation 14(1) and (2) shall apply to representations made under paragraph (2) as they do to an application.

(4) SEPA shall determine whether or not the information remains commercially confidential and shall give notice of its determination to that person.