
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 465

The Environmental Noise (Scotland) Regulations 2006

PART 6

**POWERS OF THE SCOTTISH MINISTERS IN RELATION TO
THE FUNCTIONS OF OTHER COMPETENT AUTHORITIES**

Application

23. This Part applies to any functions under these Regulations exercised by a competent authority other than the Scottish Ministers.

Powers of the Scottish Ministers

24.—(1) The Scottish Ministers may at any time require a competent authority to provide information in relation to its functions under these Regulations.

(2) A request for information pursuant to paragraph (1)—

- (a) shall be made in writing;
- (b) may specify the format in which information shall be provided; and
- (c) may specify the period of time within which a response shall be received.

(3) If a competent authority receives a request pursuant to paragraph (1) it shall respond—

- (a) within the time period specified pursuant to paragraph (2)(c); or
- (b) if no such period is specified, within 14 days of receipt of the request.

(4) Where—

- (a) the Scottish Ministers have consulted the competent authority; and
- (b) they consider that by reason of any act or omission, or any likely act or omission, by the competent authority—
 - (i) a requirement of these Regulations; or
 - (ii) a requirement imposed on the United Kingdom by the Directive,

is unlikely to be met, the Scottish Ministers may exercise such of the functions of the competent authority as they consider appropriate.

Recovery of expenses

25.—(1) Where the Scottish Ministers incur expenses pursuant to—

- (a) regulation 21(2);
- (b) regulation 22(3);
- (c) regulation 24(1); or
- (d) regulation 24(4),

they may recover those expenses from the relevant competent authority.

- (2) In this regulation “relevant competent authority” means–
- (a) in relation to regulation 21(2), the competent authority that submitted the strategic noise map pursuant to regulation 10 or 11;
 - (b) in relation to regulation 22(3), the competent authority that submitted the action plan pursuant to regulation 17;
 - (c) in relation to regulation 24(1), the competent authority required to provide information to the Scottish Ministers pursuant to that regulation; and
 - (d) in relation to regulation 24(4), the competent authority whose functions the Scottish Ministers exercise pursuant to that regulation.