
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 360

**The Pollution Prevention and
Control (Scotland) Regulations 2012**

**PART VI
COMPLIANCE**

SEPA: suspension notices

56.—(1) SEPA must give notice under this regulation to the operator of an installation or any mobile plant if it considers that any aspect of the operation of the installation or mobile plant—

- (a) poses an immediate danger to human health,
- (b) threatens to create an immediate significant adverse effect upon the environment, or
- (c) involves some other risk of serious pollution.

(2) Paragraph (1) does not apply where SEPA intends to arrange for steps to be taken under regulation 57(1) in relation to such operation of the installation or mobile plant.

(3) Paragraph (1) applies whether or not the particular manner of operation is regulated by, or contravenes, a condition of the permit.

(4) SEPA may give notice under this regulation to an operator carrying out specified waste management activities if it considers that the operator has ceased to be a fit and proper person in relation to those activities by reason of management of the activities having ceased to be in the hands of a technically competent person.

(5) A notice under paragraph (1) or (4) (a “suspension notice”) must—

- (a) state why SEPA considers that the suspension notice is required,
- (b) in the case of a suspension notice under paragraph (1), specify—
 - (i) the nature of the harm that is being (or may be) caused by the operation of the installation or mobile plant,
 - (ii) the steps that must be taken to remedy the harm or remove a risk, and
 - (iii) the period within which those steps must be taken,
- (c) state the extent to which the permit ceases to have effect to authorise the operation of the installation or mobile plant, or the carrying out of an activity in the installation or by means of the mobile plant, and
- (d) where the permit is to continue to have effect to authorise an activity any steps, in addition to those already required under the permit, that are to be taken in carrying out that activity.

(6) The operator of the installation or mobile plant must comply with a suspension notice.

(7) A permit ceases to have effect, to the extent stated in the suspension notice, on service of the notice.

(8) SEPA may withdraw a notice at any time, and must withdraw a notice if satisfied—

- (a) in the case of a notice under paragraph (1), that the steps required by the notice to remove the risk of pollution have been taken,
- (b) in the case of a notice under paragraph (4), that the management of the activities is in the hands of a technically competent person.