
STATUTORY INSTRUMENTS

2024 No. 45

The Biodiversity Gain Site Register Regulations 2024

PART 5

Amendment of an entry in the biodiversity gain site register on application to the register operator

Determination of application to amend a register entry

18.—(1) This regulation applies where the register operator has received an application to amend the information in an entry in the biodiversity gain site register.

(2) If the register operator does not receive payment of a fee for the application in accordance with the Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024, the register operator must reject the application.

(3) The following provisions of this regulation apply where the register operator has received payment of a fee for the application in accordance with those Regulations.

(4) Subject to paragraph (13), the register operator must consider the application and must, in accordance with the following provisions of this regulation, either accept or reject it.

- (5) Subject to the following provisions of this regulation, the application must be accepted if—
- (a) the application meets the requirements of regulation 17(10)(e), (f) (where relevant) and (g),
 - (b) it appears to the register operator that the application includes the evidence, other information and documents required by regulation 17(10)(a) to (d) and (h),
 - (c) the register operator is satisfied that the applicant is entitled under regulation 17 to make the application,
 - (d) where the application is made on the grounds in regulation 17(2)(a), the register operator is satisfied that—
 - (i) those grounds and the conditions in regulation 17(5) and (7) are met, and
 - (ii) the amendments requested by the applicant, or any of those amendments, need to be made so that the information to which the application relates is complete and accurate, and
 - (e) where the application is made on the grounds in regulation 17(2)(d), the register operator is satisfied that—
 - (i) those grounds and the condition in regulation 17(7) are met, and
 - (ii) the amendments requested by the applicant, or any of those amendments, need to be made so that the information to which the application relates is complete and accurate.

(6) The register operator may, by giving notice to the applicant, request any information it needs in order to determine whether it is required by paragraph (5) to accept the application.

(7) Where, having given notice under paragraph (6) requesting information from the applicant, the register operator is satisfied that it has received all of the information requested by that notice, the register operator must as soon as practicable give notice to the applicant informing the applicant that it is so satisfied.

(8) The register operator may reject the application if—

- (a) it has given notice requesting information from the applicant under paragraph (6),
- (b) a period of three months beginning with the day on which the notice was given has expired, and
- (c) it has not been provided with the requested information.

(9) A notice under paragraph (6) must explain the effect of paragraph (8).

(10) The application must be rejected—

- (a) if—
 - (i) the application does not meet the requirements of regulation 17(10)(e), (f) (where relevant) and (g),
 - (ii) it does not appear to the register operator as mentioned in paragraph (5)(b),
 - (iii) the register operator is not satisfied as mentioned in paragraph (5)(c),
 - (iv) the register operator is not satisfied as mentioned in regulation paragraph (5)(d) or (e) (as the case may be),

and the register operator has decided not to make a request (or a further request) for information under paragraph (6), or

- (b) if the register operator considers that false or misleading information has been supplied to it in connection with the application.

(11) Where the register operator decides that it is necessary, for the purposes of considering the application, to investigate whether any information supplied to it in connection with the application is false or misleading, it must—

- (a) give notice to the applicant as soon as practicable informing the applicant that it has so decided, and
- (b) as soon as practicable after concluding the investigation, give notice to the applicant that it has concluded the investigation,

and a notice under this paragraph must state the date on which the decision was made or the investigation was concluded (as the case may be).

(12) Where the application is accepted, the register operator must amend the entry in the register accordingly as soon as practicable.

(13) Paragraph (4) ceases to apply in relation to the application if the application is withdrawn (see regulation 17(11)).