

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Environment (Controlled Activities) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 10

Transitional, Savings and Supplemental Provisions

PROSPECTIVE

PART 2

Pollution Control

13. Where on 31st March 2006 a relevant authorisation is in force in respect of an activity which is a controlled activity, the provisions of paragraphs 14 to 17 apply.

Commencement Information

I1 Sch. 10 para. 13 in force at 1.10.2005, see [reg. 1\(4\)](#)

14. The relevant authorisations referred to in paragraph 13 shall, for the purposes of regulation 5, be deemed to be an authorisation granted under these Regulations.

Commencement Information

I2 Sch. 10 para. 14 in force at 1.10.2005, see [reg. 1\(4\)](#)

15. SEPA shall review all relevant authorisations referred to in paragraph 13 in accordance with the relevant provisions of the authorising legislation and where that legislation makes provision for variation or transfer of such an authorisation, it may carry out that review at the same time as such a variation or transfer.

Commencement Information

I3 Sch. 10 para. 15 in force at 1.10.2005, see [reg. 1\(4\)](#)

16. When carrying out a review in accordance with paragraph 15, SEPA shall—

- (a) assess the risk to the water environment posed by the carrying on of the authorised activity;
- (b) assess what steps may be taken to ensure efficient and sustainable water use;
- (c) apply the requirements of—
 - (i) the legislation referred to in Part 1 of Schedule 4; and
 - (ii) regulation 24(5); and
- (d) have regard to the provisions of the legislation referred to in Part 2 of Schedule 4,

and shall take such steps under the authorising legislation as are necessary to ensure that the relevant authorisations comply with the requirements of these Regulations.

Commencement Information

I4 Sch. 10 para. 16 in force at 1.10.2005, see [reg. 1\(4\)](#)

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17. The review required under paragraph 15, and the steps required under paragraph 16 shall be completed by 1st April 2010.

Commencement Information

I5 Sch. 10 para. 17 in force at 1.10.2005, see [reg. 1\(4\)](#)

18. Where, on or after 1st April 2006, an application for a relevant authorisation is made, or if made before that date has not been determined, in respect of an activity which is a controlled activity, the provisions of paragraph 19 and 20 apply.

Commencement Information

I6 Sch. 10 para. 18 in force at 1.10.2005, see [reg. 1\(4\)](#)

19. SEPA shall, when considering an application referred to in paragraph 18–

- (a) assess the risk to the water environment posed by the carrying on of the authorised activity;
- (b) assess what steps may be taken to ensure efficient and sustainable water use;
- (c) apply the requirements of–
 - (i) the legislation referred to in Part 1 of Schedule 4; and
 - (ii) regulation 24(5); and
- (d) have regard to the provisions of the legislation referred to in part 2 of Schedule 4,

and shall, if they grant the application, ensure that the relevant authorisation complies with the requirements of these Regulations.

Commencement Information

I7 Sch. 10 para. 19 in force at 1.10.2005, see [reg. 1\(4\)](#)

20. Where an application is granted in accordance with paragraph 19, it shall, for the purposes of regulation 5, be deemed to be an authorisation granted under these Regulations.

Commencement Information

I8 Sch. 10 para. 20 in force at 1.10.2005, see [reg. 1\(4\)](#)

21. In this Part–

- (a) “authorised activity” means an activity referred to in paragraph 14 or 19, as the case may be;
- (b) “authorising legislation” means the legislation referred to in paragraph (c); and
- (c) “relevant authorisation” means–
 - (i) an authorisation under Part I of the Environmental Protection Act 1990⁽¹⁾;

(1) 1990 c. 43; amended by the Environment Act 1995 (c. 25), the Pollution Prevention and Control Act 1999 (c. 24); the Anti Social Behaviour (Scotland) Act 2004 (asp 8) and the Pollution Prevention and Control (Scotland) Regulations 2000 (S.S.I. 2000/323).

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- (ii) a registration or authorisation under the Radioactive Substances Act 1993(2);
- (iii) a permit under the Pollution Prevention and Control (Scotland) Regulations 2000(3); and
- (iv) a waste management licence under the Waste Management Licensing Regulations 1994(4);

Commencement Information

I9 Sch. 10 para. 21 in force at 1.10.2005, see [reg. 1\(4\)](#)

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- (2) 1993 c. 12, amended by the Clean Air Act 1993 (c. 11), the Environment Act 1995 (c. 25), the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11), the Food Standards Act 1999 (c. 28) and the Statute Law (Repeals Act 2004 (c. 14).
 - (3) S.S.I. 2000/323; amended by paragraph 7 of Schedule 2 to the Anti Social Behaviour etc. (Scotland) Act 2004 (asp 8), S.S.I. 2002/493, 2003/146, 170, 221, 235 and 411, 2004/26, 110, 112, 512 and 2005/101.
 - (4) S.I.1994/1056; amended by S.I. 1994/1137, 1995/288, 1950, 1996/593, 634, 916, 972, 973, 1279; 1997/351, 2203, 1998/606, 2746 and S.S.I. 2000/323, 2003/170, 171 and 2005/22.

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Changes and effects yet to be applied to :

- Instrument appl by [S.S.I. 2006/133 reg 3](#)
- Regulations revoked by [S.S.I. 2011/209 reg. 58\(1\)\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 rule 16 words substituted by [S.S.I. 2009/420 reg. 4\(7\)](#)
- Sch. 8 para. 1(v)(w) inserted by [S.S.I. 2009/420 reg. 4\(9\)\(b\)](#)
- reg. 10(A1) inserted by [S.S.I. 2009/420 reg. 4\(4\)\(a\)](#)
- reg 15A added by [S.S.I. 2006/553 reg 2](#)