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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 19**

**The Water Environment (Remedial Measures) (Scotland) Regulations 2016**

**PART 3**

Notices under Part 2: further provision

**Prior consultation**

- 5.—(1) Before serving a remedial measures notice, SEPA must consult each—
- (a) appropriate person on whom the notice is to be served; and
  - (b) other person as appears to SEPA likely to be substantially affected by the notice.
- (2) Each person must be consulted on the details of the proposed notice in such manner as SEPA considers appropriate with a view to—
- (a) bringing the proposed notice to the attention of the person; and
  - (b) inviting any such person who wishes to make representations to do so in writing to SEPA within a period of 28 days beginning with the date on which they were consulted.
- (3) SEPA must have regard to any representations it receives by virtue of paragraph (2)(b) before deciding to serve the notice.

**Variation notice**

- 6.—(1) SEPA may vary a remedial measures notice (as varied in accordance with any variation notice) (“the principal notice”) by serving a variation notice on each appropriate person on whom the principal notice was served.
- (2) The variation notice must—
- (a) identify the principal notice; and
  - (b) specify—
    - (i) the variation to the principal notice;
    - (ii) the date on which the variation takes effect (which must be at least 28 days after the date on which the variation notice is received by the appropriate person); and
    - (iii) the reason for the variation.
- (3) The variation takes effect on the date specified in the variation notice (and this may be before, on or after a date specified in the principal notice by which a measure must be undertaken).

**Revocation notice**

- 7.—(1) SEPA may revoke (in whole or in part) a remedial measures notice (as varied in accordance with any variation notice) (“the principal notice”) by serving a revocation notice on each appropriate person on whom the principal notice was served.

- (2) The notice served under paragraph (1) must—
  - (a) identify the principal notice; and
  - (b) specify—
    - (i) in the case of a partial revocation, the part of the principal notice which is revoked;
    - (ii) the date on which the revocation takes effect; and
    - (iii) the reasons for the revocation.
- (3) Where a principal notice is revoked under paragraph (1), the principal notice (or, in the case of a partial revocation, the part of the principal notice which is revoked) ceases to have effect from the date specified in the revocation notice on which the revocation takes effect.
- (4) Where a revocation notice wholly revokes the principal notice (or the remaining parts of it), any variation notice which varied the principal notice is also revoked.