

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2018 No. 219**

**ENVIRONMENTAL PROTECTION**

**The Environmental Authorisations (Scotland) Regulations 2018**

*Made - - - - 28th June 2018*

*Coming into force 1st September 2018*

**THE ENVIRONMENTAL AUTHORISATIONS  
(SCOTLAND) REGULATIONS 2018**

PART 1

General

1. Citation and commencement
2. Interpretation
3. Interpretation: regulated activity
4. Interpretation: radioactive substances activity
5. Interpretation: authorised person
6. Interpretation: technical schedule
7. Prohibition
8. Responsibility of authorised person
9. General aims

PART 2

General binding rules

10. General binding rules

PART 3

Notifications

11. Notification and application of general binding rules
12. Notifications
13. Effect and cessation of notifications
14. Surrender of notifications

## PART 4

### Registrations

15. Registrations
16. Application for a registration
17. Form and content of a registration
18. Grant of a registration
19. Variation of registrations

## PART 5

### Permits

20. Permits
21. Applications for permits
22. Form and content of permits
23. Grant of permit
24. Review of permits
25. Variation of permits

## PART 6

### Provisions relating to registrations and permits

26. Schedule 1
27. Transfer of a registration or permit
28. Effect of transfer
29. Transfer of revocation notice
30. Surrender of registration or permit
31. Revocation of permits and registrations
32. Subsistence of a registration or permit

## PART 7

### Standard conditions procedure

33. Determining and revising standard conditions
34. Standard conditions: consultation
35. Standard conditions: publication
36. Notification of revisions of standard conditions

## PART 8

### Information and publicity

37. Power to require the provision of information
38. Register
39. Register – exclusions
40. Commercially confidential information
41. Application for commercial confidentiality
42. Review of decision on commercial confidentiality
43. Effect of decision
44. Information relating to criminal proceedings
45. Register – exclusion of information affecting national security

## PART 9

### Enforcement

46. Regulatory notices
47. SEPA: regulatory notices requiring cessation
48. Withdrawing regulatory notices
49. Regulatory notices: off-site conditions
50. Enforcement by the courts

## PART 10

### Costs recovery notices

51. Costs recovery notices
52. Payment requirements for costs recovery notices
53. Recovery of payments

## PART 11

### Notices

54. Notices – general provisions

## PART 12

### Appeals

55. Appeals to the Scottish Ministers
56. Determination of appeals
57. Effect of notices etc. during consideration of appeal
58. Appeals – miscellaneous

## PART 13

### Duties and functions of SEPA

59. Duty on SEPA to exercise its functions in accordance with the technical schedule
60. Power of SEPA to impose authorisations
61. Power of SEPA to escalate or de-escalate authorisations
62. Action by SEPA
63. Accelerated applications
64. Consolidation of permits and registrations
65. Communication of consolidation

## PART 14

### SEPA– guidance and public participation statement

66. SEPA guidance
67. SEPA's public participation statement
68. SEPA guidance – fit and proper person

## PART 15

### Provisions relating to offences

69. Offences

**Changes to legislation:** There are currently no known outstanding effects for the The Environmental Authorisations (Scotland) Regulations 2018. (See end of Document for details)

70. Offences by bodies corporate
71. Offences — acts or default of third person
72. Offences – more than one authorised person
73. Offences – defences
74. Admissibility of evidence
75. Power of court to order offence to be remedied

#### PART 16

#### Duties and functions of the Scottish Ministers

76. Guidance to SEPA
77. Application of the Regulations to SEPA

#### PART 17

#### Miscellaneous

78. Crown application
  79. Transitional and savings provisions
  80. Consequential amendments
  81. Repeals and revocations
- Signature

---

### SCHEDULE 1 REGISTRATIONS AND PERMITS: PROCEDURES

#### PART 1 General provisions

1. Form of application
2. Accompanying information
3. Withdrawing an application
4. Modifying an application
5. Notifications relating to certain applications
6. Further information in respect of an application
7. Public Consultation: scope
8. Public consultation requirements
9. Duty to determine an application
10. Time limits for determining applications
11. Extension of determination periods
12. Calculating the determination period
13. Variation Notices
14. Surrender applications
15. Notice of surrender
16. Revocation of permits or registrations
17. Interpretation: satisfactory state

#### PART 2 Call-in procedure

18. This Part applies to— (a) an application for—
19. (1) The Scottish Ministers may direct SEPA that an application...
20. Before granting an application or issuing a variation to which...
21. SEPA must not determine an application or SEPA initiated variation...
22. The days specified are— (a) where every person who made...

#### PART 3 Determinations of applications by the Scottish Ministers

23. (1) This paragraph applies where Scottish Ministers have directed SEPA...

24. In this schedule— “application” or “applications” includes reference to any...

SCHEDULE 2 OFF-SITE CONDITIONS

PART 1 Procedure

1. For the purposes of this schedule SEPA imposes an off-site...
  2. (1) SEPA may impose an off-site condition for any of...
  3. (1) Before imposing an off-site condition, SEPA must (so far...
  4. Where SEPA imposes an off-site condition, it must provide a...
  5. A person (“person A”) whose consent is required for a...
- PART 2 Compensation for off-site conditions
6. This Part applies in any case where either—
  7. The person to whom an off-site right has been granted...
  8. But where a person (other than SEPA) has failed to...
  9. Subject to paragraph 12, compensation is payable for—
  10. (1) Subject to sub-paragraph (2), an entitlement to compensation under...
  11. (1) An application for compensation under this schedule must be...
  12. (1) The amount to be paid by way of compensation...
  13. (1) Compensation payable carries interest at the rate for the...
  14. (1) Compensation that is determined to be due is payable—...
  15. In this schedule— “1963 Act” means the Land Compensation (Scotland)...

SCHEDULE 3 REGISTER

1. In this schedule, “fixed monetary penalty”, “variable monetary penalty”, “VMP...

SCHEDULE 4 PROVISIONS RELATING TO APPEALS

PART 1 Appeals procedure

1. A person who wishes to appeal under regulation 55 must...
2. The documents specified are— (a) a written statement of the...
3. An appellant may withdraw an appeal by notice to the...
4. Subject to paragraph 5, notice of appeal in accordance with...
5. The Scottish Ministers may in a particular case allow notice...
6. SEPA must, within 14 days of receipt of the copy...
7. A notice under paragraph 6 must— (a) describe the subject...
8. SEPA must within 14 days of sending a notice under...
9. In the event of an appeal being withdrawn, SEPA must...
10. SEPA must make any written representations to the Scottish Ministers...
11. The appellant must make any further written representations by way...
12. When SEPA or the appellant makes any representations to the...
13. The Scottish Ministers must send to the appellant and SEPA...
14. The Scottish Ministers may require exchanges of written representations between...

PART 2 Public hearings

15. Before determining an appeal under regulation 56, the Scottish Ministers...
16. A hearing may, if the appointed person so decides, be...
17. Where the Scottish Ministers cause a hearing to be held,...
18. Where any part of a hearing is to be held...
19. The Scottish Ministers may vary the date fixed for the...
20. The persons entitled to be heard at a hearing are—...
21. Nothing in paragraph 20 prevents the appointed person from allowing...
22. The appointed person must cause notice of the time and...
23. The appointed person may— (a) by notice in writing require—...
24. But the appointed person may not require any person to...
25. (1) A person who is required to give evidence at...
26. (1) The Scottish Ministers or the appointed person may treat...



6. NORM industrial activity
7. Processed radionuclides of natural terrestrial or cosmic origin
8. Radionuclides not of natural terrestrial or cosmic origin
9. Radionuclides with a short half-life
10. Radionuclides not of natural terrestrial or cosmic origin in background radioactivity
11. Substances or articles after disposal
12. Historic radium contamination
  - PART 2 Amendments to common framework provisions
13. General Binding Rules – disapplication
14. Authorisation by permit or registration
15. Applications
16. Consultation: local authorities and relevant water authorities
17. Consultation: security of sealed sources
18. Refusal of applications
19. SEPA must refuse to grant an authorisation for a radioactive...
20. Authorisation conditions: general
21. Authorisation conditions: discharge limits
22. Authorisation conditions: monitoring
23. Authorisation conditions: high-activity sealed sources
24. Authorisation conditions: manufacture and supply of high-activity sealed sources
25. Authorisation conditions: records of high-activity sealed sources
  - PART 3 Duties of SEPA
26. Optimisation and dose limits
27. Dose constraints
28. Estimation of doses to the members of the public
29. SEPA must— (a) identify radioactive substances activities for which an...
30. Where it has specified that an assessment must be carried...
31. Inspections
32. Record keeping
33. Sealed sources
34. Orphan Sources
35. (1) SEPA must have plans, preparations or provisions in place...
36. (1) Where SEPA is satisfied that radioactive waste ought to...
  - PART 4 Local authorities
37. Where an authorisation requires or permits radioactive waste to be...
38. Where a local authority or relevant water authority takes any...
  - PART 5 Radioactivity to be disregarded for purposes of certain statutory provisions
39. Statutory provisions
  - PART 6 Tables

“The table 1 summation rule” means the sum of the...  
Table 5  
Information to be provided in records for high-activity sealed sources...

  - SCHEDULE 9 GENERAL BINDING RULES
    - PART 1 General binding rules
    - PART 2 Interpretation of general binding rules
  1. In this schedule— “barium eluting source” means a source which—...
  2. Interpretation: NORM
  3. Interpretation: radioactive substances common rules
    - PART 3 Tables

**Changes to legislation:** *There are currently no known outstanding effects for the The Environmental Authorisations (Scotland) Regulations 2018. (See end of Document for details)*

The summation rule in respect of column 2 of Table...

The summation rule in respect of columns 3 and 4...

The summation rule in respect of column 2 of Table...

The summation rule in respect of column 3 of Table...

+Parent radionuclides, and their progeny whose dose contributions are taken...

Explanatory Note



**Changes to legislation:**

There are currently no known outstanding effects for the The Environmental Authorisations (Scotland) Regulations 2018.