SCOTTISH STATUTORY INSTRUMENTS

2000 No. 432

PUBLIC HEALTH
WATER SUPPLY

The Control of Pollution (Registers) and (Consent for Discharges) (Secretary of State Functions) Amendment Regulations 2000

Made - - - -	*29th November 2000*
Laid before the Scottish Parliament - - - -	*30th November 2000*
Coming into force - -	*1st January 2001*

The Scottish Ministers, in exercise of the powers conferred upon them by sections 39(2), 41, 49B(7), 104(1) and 105(1) of the Control of Pollution Act 1974(**1**) and of all other powers enabling them in that behalf, hereby make the following regulations:

Citation, commencement and extent

1.—(1) These regulations may be cited as the Control of Pollution (Registers) and (Consent for Discharges) (Secretary of State Functions) Amendment Regulations 2000, and shall come into force on 1st January 2001.

(2) These regulations extend to Scotland only.

Amendment to the Control of Pollution (Consents for Discharges) (Secretary of State Functions) Regulations 1984

2.—(1) The Control of Pollution (Consents for Discharges) (Secretary of State Functions) Regulations 1984(**2**) are amended as follows.

(2) Delete paragraph (8) of regulation 7 and substitute the following–

> "(8) The Scottish Ministers may, if they think fit, require the appellant or the authority to submit to them within a specified period a further statement in writing in respect of any of the matters to which the appeal relates, and where they exercise this power, the person

(**1**) 1974 c. 40. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(**2**) S.I.1984/865, to which there are amendments not relevant to these Regulations.

submitting the statement shall, at the same time, send to the appellant, or as the case may be, the authority, a copy of any statement submitted."

(3) After regulation 7 insert the following–

"**7A.**—(1) A person who wishes to appeal to the Scottish Ministers under section 49B(1) shall give notice of appeal, in writing, to the Scottish Ministers, before the expiry of the period of 21 days beginning with the date on which the enforcement notice is received, or before the expiry of such longer period as the Scottish Ministers may allow.

(2) The notice of appeal shall–

(a) specify the grounds of appeal; and

(b) indicate whether the appellant wishes the appeal to be in the form of a hearing or be disposed of on the basis of written representations.

(3) The notice of appeal shall be accompanied by copies of any application, consent, correspondence, decision, notice or other document relevant to the appeal.

(4) At the same time as the appellant gives notice of the appeal to the Scottish Ministers, the appellant shall send the authority a copy of the notice of appeal, together with a list of the documents provided to the Scottish Ministers under paragraph (3) above.

(5) If the appellant wishes at any time to withdraw his appeal he shall do so by notice, in writing, informing the Scottish Ministers and shall send a copy of the notice to the authority.

Written representations

7B.—(1) Where an appeal under section 49B(1) is to be disposed of on the basis of written representations, the authority shall submit any written representations to the Scottish Ministers not later than 14 days after receiving a copy of the notice of appeal in accordance with regulation 7A(4).

(2) The appellant shall make any further representations by way of reply not later than 14 days after receiving the authority's representations under paragraph (1) above.

(3) The Scottish Ministers may in any particular case–

(a) set shorter or longer time limits than those mentioned in this regulation;

(b) allow the parties to make representations in addition to those mentioned in paragraphs (1) and (2) above.

(4) Any representations made by a party to the appeal shall be dated with the date on which they are submitted to the Scottish Ministers.

(5) Where either party to the appeal submits any representations to the Scottish Ministers they shall at the same time send a copy to the other party.

Hearings

7C.—(1) The Scottish Ministers shall give the appellant and the authority at least 28 days notice (unless they agree to a shorter period of notice) of the date, time and place fixed for a hearing in relation to an appeal under section 49B(1).

(2) The Scottish Ministers may vary the date fixed for the hearing and paragraph (1) above shall apply, with necessary modifications, to the variation of the date.

(3) The Scottish Ministers may also vary the time or place for the holding of a hearing but shall give such notice of any such variation as appears to him to be reasonable.

(4) After the conclusion of a hearing, the person appointed to conduct the hearing shall, unless he was appointed under section 114(1)(a) of the Environment Act 1995 (power of the