

The Environmental Regulation (Scotland) Charging Scheme Amendment (No 1) 2025

The Scottish Environment Protection Agency in exercise of its powers under:

* section 41 of the Environment Act 1995, and
* regulations 11 and 18(4)(b) of, and Schedule 5 to, the Water Environment (Controlled Activities) (Scotland) Regulations 2011, and

with the approval of the Scottish Ministers, makes the following amendment to the Environmental Regulation (Scotland) Charging Scheme 2018.

## Citation, extent and commencement

This charging scheme amendment shall:

* 1. be referred to as the Environmental Regulation (Scotland) Charging Scheme Amendment (No 1) 2025;
  2. apply only to Scotland;
  3. come into force on **1 April 2025**; and
  4. remain in force until revoked.

## Amendment to the Environmental Regulation (Scotland) Charging Scheme 2018

* 1. The Environmental Regulation (Scotland) Charging Scheme 2018 is amended in accordance with this paragraph.
     1. In paragraph 2(1) (Interpretation: general)
        1. omit the definition of “materials recovery facility”; and
        2. after the definition of “imposed application” insert the following definitions:

“**materials facility**” has the meaning given in the Materials Facilities Code 2024;

“**Materials Facilities Code 2024**” means the Code of Practice on Sampling and Reporting at Materials Facilities, issued by the Scottish Ministers on 24 June 2024 as it may be revised from time to time;”

* + 1. After paragraph 4(b) (Liability to pay charges) insert:

**“Payment a condition of authorisation**

4A It shall be a condition of an authorisation that any charge prescribed by this Scheme in relation to the relevant authorisation is paid in accordance with this Scheme.”;

* + 1. After paragraph 11(c) (In-year adjustments) insert:

“(d) where SEPA amends this Scheme in exercise of its powers under section 41 of the Environment Act 1995 or regulations 11 and 18(4)(b) of, and Schedule 5 to, the Water Environment (Controlled Activities) (Scotland) Regulations 2011, after the date on which the annual charge is payable in any year and the effect of the amendment is that any annual charge is revised, the annual charge that is payable shall be adjusted pro rata from the date SEPA amends this Scheme, so that the appropriate revised charge is payable from that date.”;

* + 1. Delete paragraph 12 (Transitional arrangements);
    2. In Table 1 in the Schedule:

1. omit row 12600,
2. for row 12610, substitute:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **SEPA Reference Number** | **Key Sector** | **Sector** | **Regulatory Sector** | **Legal Description** | **Activity Application Charge** | **Activity (Subsistence) Charge** | **Environmental Component** |
| 12610 |  |  | Materials  Facilities  Code 2024 | Storage and treatment of waste which includes the operation of a materials facility subject to the Materials Facilities Code 2024. | £0 (Band 0) | £12,877 | Y |

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