



## Standard Conditions of Approval for Approved Bodies

The following document outlines the conditions likely to be issued to Approved Bodies only. It does not confer approval.

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## Interpretation of Terms

Words and phrases used in the 2015 Regulations shall have the same meaning as in the Regulations unless the context requires otherwise.

For the purposes of this Approval, and unless the context requires otherwise, the following definitions shall apply:

“the Act” means the Landfill Tax (Scotland) Act 2014;

“the Regulations” means the Scottish Landfill Tax (Administration) Regulations 2015;

“approved body” means a body approved by SEPA under regulation 31(1) of the Regulations as a distributing body for transferring qualifying contributions to projects enrolled with that body (and only such projects);

“approved object” has the meaning given in regulation 29(5) of the Regulations;

“contributing third party” means a person who has made or agreed to make (whether or not under a legally binding agreement) a payment to a registered person to secure the making by the registered person of a qualifying contribution or to reimburse the registered person, in whole or in part, for any such contribution that person has made;

“governing document” means the organisation’s formal documents that include its purpose(s), activities and organisational processes (may also be known as bylaws, constitution, deeds, charters, articles of association and rule books) as submitted with the organisation’s application for approval as an approved body;

“income” means:

- a) interest;
- b) the proportion of any proceeds attributable to the initial acquisition and disposal of an asset (or part of an asset) purchased with a qualifying contribution (or part of a qualifying contribution); or
- c) the proportion of any proceeds attributable to any subsequent acquisition and disposal of an asset (or part of an asset) purchased with the proceeds (or part of the proceeds) of:
  - i. the initial acquisition and disposal representing the original qualifying contributions, or
  - ii. any subsequent acquisition and disposal representing the original qualifying contributions,

through any number of transactions;

“landfill operator” means a person who is registered with Revenue Scotland under section 22 of the Act;

“project” means a body which has enrolled with the Approved Body to receive qualifying contributions which is promoting or engaged in a project that meets at least one of the objects of the approved body;

“the objects of the Approved Body” means the objects specified in condition 4.5;

“qualifying contribution” has the meaning given in regulation 28 of the Regulations;

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“register of interests” means a document where directors / trustees can provide information on any interest or other material benefit they receive which might be reasonably thought by others to influence his/her actions or decisions with regard to the SLCF;

“running costs” includes any cost incurred in connection with the management and administration of a body or its assets.

“SEPA” means the Scottish Environment Protection Agency;

“SLCF” means the Scottish Landfill Communities Fund;

Any reference to a group of Conditions, numbered Condition, Schedule, Table, Appendix, Figure or Paragraph is a reference to a group of Conditions, numbered Condition, Schedule, Table, Appendix, Figure or Paragraph bearing that number in these Conditions.

Except where specified otherwise in this Approval:

"day"	means any period of 24 consecutive hours
"week"	means any period of 7 consecutive days
"month"	means a calendar month
"quarter"	means a calendar quarter
"year"	means any period of 12 consecutive months;

and any derived words (e.g. "daily", "annually") shall be interpreted accordingly;

Where any Condition of this Approval requires information to be reported, “in writing”, it should be submitted electronically to the e-mail address specified in the explanatory notes attached to this Approval. Where this is not possible, reports may be submitted by providing a hard copy to the postal address specified in the explanatory notes.

Except where specified otherwise in this Approval, any reference to an enactment or statutory instrument includes a reference to it as amended (whether before or after the date of this Approval) and to any other enactment, which may, after the date of this Approval, directly or indirectly replace it, with or without amendment.

## **1. General**

- 1.1 The Approved Body shall comply with the relevant requirements of the Regulations and the conditions of this Approval. Where there is any conflict between the conditions of this Approval and the requirements of the Regulations, the requirements of the Regulations shall take precedence.

## **2. Governance**

- 2.1 The Approved Body shall have, and shall comply with, a written governing document.
- 2.2 The Approved Body shall notify SEPA in writing, within seven days of any change to its organisation type, charitable status, governing document, main contact details and/or director/trustee details.
- 2.3 Where the Approved Body becomes controlled by one or more of the persons or bodies listed in Regulation 29 (2) or (3) of the Regulations or a person listed in Regulation 29 (3) becomes concerned in its management, the Approved Body shall notify SEPA in writing, within seven days of the date on which such alteration in control or management occurs.
- 2.4 The Approved Body shall maintain a Register of Interests for its directors/trustees, its employees and contractors, any Advisory Group or Panel and any other person used to assist in the distribution of SCLF monies.
- 2.5 The Approved Body must maintain a separate bank account and accounting records for qualifying contributions received from operators of landfills situated in Scotland.
- 2.6 The Approved Body must keep records be able to demonstrate their running costs attributable to the Scottish Landfill Communities Fund (SLCF).

## **3. Enrolling Projects**

- 3.1 The Approved Body shall keep records showing the reasons for selecting each project that was enrolled and the reasons for not selecting each project that was declined funding.
- 3.2 Each project shall be given a unique enrolment number. This number shall be used on all records relevant to that project. Each enrolment number shall be prefixed with the Approved Body's registration number.
- 3.3 An Approved Body may not also be a project.

## **4. Distributing Funds**

- 4.1 On making a transfer to a project of the whole or part of a qualifying contribution, or income derived therefrom, the Approved Body shall notify the landfill operator who made the qualifying contribution, and any contributing third party of;
  - i. The date of the transfer;

- ii. The name and enrolment number of the project by, or as the case may require, to whom the transfer was made;
  - iii. The amount transferred; and
  - iv. The approved objects to which the transferred funds are to be applied.
- 4.2 The Approved Body shall keep a record of all notifications made in accordance with condition 4.1.
- 4.3 The Approved Body shall ensure that funds are transferred to a project within 2 years of the qualifying contribution being received by the Approved Body.
- 4.4 The Approved Body shall apply qualifying contributions and any income derived therefrom only to its objects.
- 4.5 The objects of the Approved Body include the following objects:
- i. Object A: The reclamation, remediation, restoration or other operation on land to facilitate economic, social or environmental use (given in regulation 29(5)(a) of the Regulations);
  - ii. Object B: Community based recycling, re-use and waste prevention projects (given in regulation 29(5)(b) of the Regulations);
  - iii. Object C: To provide, maintain or improve a public park or other public amenity (given in regulation 29(5)(c) of the Regulations);
  - iv. Object D: The conservation or promotion of biological diversity through the provision, conservation, restoration or enhancement of a natural habitat or the maintenance or recovery of a species in its natural habitat (given in regulation 29(5)(d) of the Regulations);
  - v. Object E: The maintenance, repair or restoration of a building, other structure or a site of archaeological interest which is a place of religious worship, or a site of historic or architectural or archaeological interest and is open to the public (given in regulation 29(5)(e) of the Regulations); and
  - vi. Object F: The provision of financial, administration and other similar services to projects (given in regulation 29(5)(f) of the Regulations).
- 4.6 The Approved Body shall not apply any of its funds for the benefit of Landfill operators making qualifying contributions or to contributing third parties making contributions.

## **5. Monitoring Projects**

- 5.1 The Approved Body shall monitor projects to ensure contributions (and any income derived) are only spent on approved objects.
- 5.2 The Approved Body shall ensure that projects report in a manner which allows the Approved Body to monitor the progress of the project and meet its own reporting requirements.

## **6. Records**

- 6.1 Unless otherwise specified in a Condition of this Approval, every record made in compliance with a Condition of this Approval or a requirement of the Regulations shall be preserved for not less than five years from the date of being made.
- 6.2 The approved body shall make and retain records of the following:
- i. the name, address and registration number of each Landfill operator making a qualifying contribution to the body;
  - ii. the name and address of any contributing third party in relation to a qualifying contribution received by the body;
  - iii. the amount and date of receipt of each qualifying contribution and the amount and date of receipt of any income derived therefrom;
  - iv. in the case of a transfer of the whole or part of any qualifying contribution or income derived therefrom to or from the approved body, the date of the transfer, the amount transferred, the name and enrolment number of the body from or, as the case may require, to which it was transferred, the name, address and registration number of the person who made the qualifying contribution and the name and address of any contributing third party in relation to the qualifying contribution;
  - v. in respect of each qualifying contribution and any income derived therefrom, including any such amount transferred to the approved body by another approved body, the date of and all other details relating to its expenditure.
- 6.3 The Approved Body shall keep clear records of all transactions made.
- 6.4 The Approved Body shall keep clear records showing the total running costs of the body.
- 6.5 The Approved Body shall provide SEPA with information from or access to the records kept in accordance with condition 6.2 within 14 days of request.

## **7. Reporting**

- 7.1 The Approved Body shall report to SEPA, in writing, using the form prescribed by SEPA, the following details, within 7 days of receipt of any qualifying contribution:
- i. the amount of the contribution;
  - ii. the date it was received;
  - iii. the name and registration number of the landfill operator making the contribution; and
  - iv. the name and address of any contributing third party.
- 7.2 The Approved Body shall report to SEPA, in writing, using the form prescribed by SEPA the following details, within 7 days of the transfer of any qualifying contribution or income to another Approved Body or back to the landfill operator:
- i. the date of the transfer

- ii. the registration number of the approved body receiving the transfer;
  - iii. the amount transferred;
  - iv. the date of the transfer;
  - v. the name and registration number of the landfill operator making the contribution; and
  - vi. the name and address of any contributing third party.
- 7.3 The Approved Body shall report to SEPA, in writing, using the form prescribed by SEPA the following details, within 7 days of the funding of any project:
- i. the enrolment number of the project;
  - ii. the approved objects the project will deliver;
  - iii. the expected timescale of the project;
  - iv. the amount of SLCF money allocated to the project by the AB; and
  - v. the date funds have been or are expected to be transferred to the project.
- 7.4 An annual report detailing all contributions, expenditure and balances held by the Approved Body shall be made to SEPA. The return shall be in a form prescribed by SEPA. The return shall be made to SEPA, in writing by the 28<sup>th</sup> April each year.
- 7.5 The Approved Body shall report to SEPA, upon request the following details. The report shall be made in writing and within 28 days of the request.
- i. Qualifying contributions and any other income or profit received during the period;
  - ii. Any expenditure made during the period; and
  - iii. Any balances held during the period.
- 7.6 The Approved Body shall submit to SEPA, their independently audited financial accounts for the last financial year when requested. The submission shall be made in writing and within 14 days of the request.
- 8. SEPA's Running Costs**
- 8.1 The Approved Body shall pay SEPA the amount due within 14 days of receiving a demand for payment from SEPA.

## **Explanatory Notes**

(These Explanatory Notes do not form part of the Approval)

### **Contact details**

The contact details for all information to be reported in terms of the Approval, is as follows:

e-mail: [SLCF@sepa.pnn.gov.uk](mailto:SLCF@sepa.pnn.gov.uk)

where it is not possible to submit reports electronically, please send paper copy to:

Scottish Environment Protection Agency  
SLfT Unit  
Angus Smith Building  
6 Parklands Ave  
Eurocentral  
Holytown  
North Lanarkshire  
ML1 4WQ

Tel No: **03000 99 66 99**

### **Review of conditions**

The Conditions of the Approval will be periodically reviewed by SEPA.

### **Enforcement & Offences**

If SEPA is of the opinion that you have contravened, or are contravening or are likely to contravene a Condition of the Approval it may serve a Notice of Variation or revoke certain conditions. Revenue Scotland may revoke the approval of an Approved Body in its entirety.

### **Recorded systems, procedures or information recording/ return requirements**

Where a Condition requires any system, procedure or information record/return, the Approved Body may demonstrate compliance by making use of any relevant existing written system used for any other purpose and which meets the requirements of the relevant Condition.