SCHEDULE 2

LICENCES

Part 5

Cancellation and Suspension of Licence

1. If the Agency considers that circumstances exist which, had it foreseen them (and possessed the same scientific knowledge it does now) at the time, it would have refused under paragraph 2 of Part 1 to grant the licence, it may give notice to the licensee —

(a) explaining why it would have refused to grant the licence; and

(b) informing the licensee that, unless the licensee persuades it in writing not to do so within a period of 28 days after the sending of the notice, or such longer period as it may allow, it will cancel the licence.

2. If by the expiration of the 28 day period or of any longer period allowed under paragraph 1(b) the Agency is not persuaded to the contrary, it shall give notice in writing to the licensee that the licence is cancelled from a date specified in the notice and shall state in the notice why it is not so persuaded; but if so persuaded it shall notify the licensee accordingly.

3. If cancelled, the licence shall cease to have effect on the date specified in the notice.

4.—(1) If the Agency considers that unless the licence is suspended there will or may be a risk of injury to health it may give notice in writing to the licensee suspending the licence from a date specified in the notice and, subject to sub-paragraphs (2) and (3), the licence shall have no effect for the purpose of these Regulations during that period.

(2) Subject to sub-paragraph (3), where notice is given suspending the licence—

(a) the suspension shall cease to have effect at the expiration of three days after notice of the suspension has been given unless notice has in the meantime been given to the licensee under paragraph 1; but

(b) if notice has in the meantime been given to the licensee under paragraph 1, the suspension shall continue until either—

(i) the Agency is persuaded not to cancel the licence; or

(ii) the licence terminates.

(3) The Agency may, if it considers that in the absence of suspension there will not be a risk of injury to health, by further notice in writing to the licensee withdraw the notice suspending the licence.