
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 255

The TSE (Scotland) Regulations 2002

Part IV

Specified Risk Material

Licensing

Revocation of licences

60.—(1) The Licensing Authority may revoke a licence of any premises licensed under this Part of these Regulations if it appears to the Authority that—

- (a) the premises are being used otherwise than in accordance with—
 - (i) the licence; or
 - (ii) this Part of these Regulations or Schedule 5 to these Regulations;
- (b) any condition specified in the licence has not been complied with;
- (c) inspection of the premises for the purposes of these Regulations is being hampered or denied;
- (d) a notice has been served on the occupier in relation to the use of the premises under this Part of these Regulations and the Authority is not satisfied that the action required by the notice to be taken by the occupier has been taken within the time required;
- (e) the premises are not being used for the purpose for which the occupier is licensed.

(2) Before revoking a licence the Licensing Authority shall—

- (a) give notice of the intended revocation to the occupier of the premises; and
- (b) have regard to any representations made to the Authority by that person in relation to the intended revocation.

(3) A notice of revocation of a licence shall include the following information:—

- (a) a summary of the decision of the Licensing Authority to revoke the licence and a description of the use of the premises for which the licence is revoked;
- (b) the reason for the revocation;
- (c) the date on which the revocation takes effect, which may not be before the period of 21 days after the date on which the notice is given;
- (d) a statement of the right of the person to whom notice of revocation is given to appeal against the revocation;
- (e) a statement—
 - (i) that, for the protection of public or animal health pending an appeal, continued use of the premises for the use for which the licence is revoked is prohibited; or

(ii) of any conditions for the protection of public or animal health to which any continued use of the premises for a licensed use is subject pending an appeal.

(4) Subject to paragraph (7) below, where a statement under paragraph (3)(e)(ii) is included in a notice of revocation of a licence, premises may continue to be used by the occupier for a use for which a licence is revoked during the period of 21 days after the notification to the occupier of the revocation.

(5) After the expiry of the period referred to in paragraph (4) above, the premises may not be used for the use for which the licence is revoked unless before the period expired an appeal was made in accordance with regulation 61 below and the appeal has not been finally disposed of or abandoned.

(6) Where the Licensing Authority has given notice of a decision to revoke the licence and the notice of revocation included a statement under paragraph (3)(e)(i) above, the occupier of the premises shall not use the premises for the use for which the licence is revoked.

(7) Where the Licensing Authority has given notice of a decision to revoke the licence and the notice of revocation included a statement under paragraph (3)(e)(ii) above, the occupier of the premises shall not use the premises for the use for which the licence is revoked except in accordance with any conditions specified in the statement.