
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 325

**The Common Agricultural Policy
(Wine) (Scotland) Regulations 2002**

PART II

GENERAL PROVISIONS

Review of prohibitions etc. on movement of wine-sector products by Wine Standards Board

10.—(1) This regulation applies where an authorised officer of the Wine Standards Board—

- (a) has given to a person who appears to the officer to be in charge of a wine-sector product a notice under regulation 8(2); or
- (b) has refused to give consent to the movement of a controlled wine-sector product under regulation 9.

(2) The owner of the wine-sector product concerned may make a request either in writing or in electronic form to the Chief Executive of the Wine Standards Board for the Chief Executive to review the giving of the notice or refusal.

(3) Where a request for the review of a notice or of a refusal is received by the Chief Executive of the Wine Standards Board the Chief Executive shall within fourteen days from the receipt by the Chief Executive of the request—

- (a) afford the aggrieved person an opportunity of making representations to the Chief Executive;
- (b) following consideration of those representations review the notice or refusal; and
- (c) communicate the Chief Executive's decision on the review together with a statement giving the full reasons for the decision to the aggrieved person.

(4) Where a person is dissatisfied with the decision of the Chief Executive of the Wine Standards Board on a review, that person may make a request either in writing or in electronic form to the Chairman of the Wine Standards Board for a further review by the Wine Standards Board (which, for the avoidance of doubt, shall not include the Chief Executive) of the giving of the notice or of the refusal.

(5) The procedure and quorum for a meeting of the Wine Standards Board considering a request for the review of a notice or of a refusal under this regulation shall be such as it determines.

(6) The Wine Standards Board shall communicate its decision on the review together with a statement giving the full reasons for the decision to the aggrieved person.

(7) Where review of the giving of the notice or refusal is requested the Chief Executive of the Wine Standards Board or the Wine Standards Board, as the case may be, shall, if satisfied that the decision of the authorised officer to give the notice or refuse consent was not justified, cause the prohibition on movement and the notice to be withdrawn or, as the case may be, give consent to the movement of the controlled wine-sector product concerned.