
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 396

The Food (Brazil Nuts) (Emergency Control) (Scotland) Regulations 2003

Appeals

9.—(1) Any notice served under regulation 6 or 7 above shall state—

- (a) the right of appeal to the sheriff under paragraph (2); and
- (b) the period within which such an appeal may be brought.

(2) Any person who is aggrieved by a decision of an authorised officer to serve a notice under regulation 6 or 7 above may appeal to the sheriff who may confirm or cancel the notice.

(3) The period within which such an appeal as is mentioned in paragraph (2) may be brought shall be 6 days from the date on which the notice was served exclusive of Saturdays, Sundays and public holidays.

(4) Pending determination of an appeal under paragraph (2), regulation 8 shall apply to the storage of the Brazils nuts concerned.

(5) If the sheriff allows an appeal brought under paragraph (2) the food authority shall compensate the owner of the Brazil nuts concerned for any depreciation in their value resulting from the action taken by the authorised officer.

(6) Any disputed question as to the right to or the amount of any compensation payable under paragraph (6) shall be determined by a single arbiter appointed, failing agreement between the parties, by the sheriff.

(7) Any person who breaches the terms of a notice served under regulations 6 or 7 above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months.

(8) The costs of re-dispatch, storage and distribution of Brazil nuts under this regulation shall be borne by the importer.