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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 411**

**The Animal By-Products (Scotland) Regulations 2003**

**PART 8**

**Administration and enforcement**

**Suspension, amendment or revocation of approvals, authorisations and registrations**

- 41.**—(1) The Scottish Ministers, by notice in writing served on the operator, shall—
- (a) suspend an approval or authorisation if they are satisfied that any of the conditions under which the approval was granted are not fulfilled; and
  - (b) suspend or amend an approval or authorisation if they are satisfied that the provisions of the Community Regulation or these Regulations are not being complied with.
- (2) A suspension or amendment under paragraph (1)—
- (a) shall have immediate effect if the Scottish Ministers consider that this is necessary for the protection of public or animal health; or
  - (b) otherwise shall not have effect for a period of at least 21 days following the date of service of the notice.
- (3) The notice shall—
- (a) specify the date on which it takes effect;
  - (b) give the reasons for the suspension or amendment (and, in a case under paragraph (2)(a), the reasons why immediate suspension or amendment is considered necessary); and
  - (c) explain the rights of the operator of the premises to make written representations to the Scottish Ministers within a period of 21 days beginning with the date on which the notice is served and to be heard by an independent person appointed by the Scottish Ministers.
- (4) Where there is a review under regulation 42, the suspension or amendment shall cease to have effect until the final determination by the Scottish Ministers in accordance with that review, unless the Scottish Ministers reasonably consider it is necessary for the protection of public or animal health for the amendment or suspension to have effect from an earlier date, which must be specified in a notice in writing to the operator giving the reasons why this is reasonably considered necessary.
- (5) The Scottish Ministers may by notice in writing served on the operator revoke an approval if they are satisfied, taking into account all the circumstances of the case, that the premises will not be operated in accordance with these Regulations and the Community Regulation—
- (a) following a review in accordance with regulation 42 which upholds a suspension; or
  - (b) after a period of at least 21 days following the date of service of the notice of suspension where there has been no such review.
- (6) Where an authorisation of premises has been revoked under this regulation, the Scottish Ministers may remove the entry in the register relating to those premises from the register maintained under regulation 26(4).