
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 411

The Animal By-Products (Scotland) Regulations 2003

PART 8

Administration and enforcement

Review

42.—(1) An applicant or operator on whom a notice is served under regulations 40 or 41 may within the period of 21 days beginning with the date on which the notice is served—

- (a) make written representations to the Scottish Ministers; and
- (b) give notice of whether or not that person wishes to appear before and be heard by an independent person appointed by the Scottish Ministers.

(2) Where the applicant or operator gives notice of their wish to appear before and be heard by an independent person appointed for the purpose—

- (a) the Scottish Ministers shall appoint an independent person to hear representations and specify a time limit within which representations must be made;
- (b) the person so appointed shall not, except with the consent of the applicant or operator, be an officer or servant of the Scottish Ministers;
- (c) if the applicant or operator so requests, the hearing shall be in public; and
- (d) if the applicant or operator so requests, the Scottish Ministers shall furnish the appellant with a copy of the report of the person so appointed.

(3) The independent person shall conduct the hearing in such form and manner as that person considers fit and thereafter shall report to the Scottish Ministers as to the findings of fact of that person and the recommendation of that person as to how to determine the review.

(4) The Scottish Ministers, having had regard to the written representations and the report (if any), shall determine the outcome of the review and shall give to the applicant or operator written notification of their final determination and the reasons for it.

(5) The Scottish Ministers shall be responsible for meeting the reasonable fees and expenses of the independent person in relation to the review except where the Scottish Ministers—

- (a) confirm the notice served under regulations 40 or 41; and
- (b) are satisfied it is reasonable in all the circumstances for the applicant or operator to bear some or all of the fees and expenses.

(6) Where the Scottish Ministers are satisfied that it is reasonable in all the circumstances for the applicant or operator to bear some or all of the reasonable fees and expenses of the independent person, they shall give notice to the applicant or operator of the full amount or the proportion which they are satisfied the applicant or operator should bear.

(7) The applicant, operator and the Scottish Ministers shall each be responsible for their own costs incurred in relation to the review.