
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 582

**The Environmental Impact Assessment
(Agriculture) (Scotland) Regulations 2006**

Application to the court by person aggrieved

20.—(1) Any—

- (a) person who may appeal in relation to the relevant decision;
- (b) consultation body with an interest in relation to the relevant decision; and
- (c) person who otherwise is an interested person in relation to the relevant decision,

and who is aggrieved by the decision of the Scottish Ministers (or the delegated person) pursuant to regulations 17, 18 and 19—

- (i) that a project is or is not a relevant project;
- (ii) to refuse to grant consent for a relevant project;
- (iii) to grant consent for a relevant project;
- (iv) as to the conditions to be imposed in such a grant,

may appeal to the sheriff.

(2) Any person who is entitled to be informed of a decision on appeal made pursuant to paragraphs 3 or 5 of Schedule 4 and who is aggrieved by the decision made thereunder, may appeal to the sheriff.

(3) An appeal to the sheriff under this regulation shall be made by summary application within 21 days from the date of notification of the decision in accordance with regulation 18(5) or 19(11) or regulation 19(11) as applied by regulation 17(14), as the case may be, but in the case of an appeal as to conditions to be imposed, the making of the appeal shall not have the effect of suspending the operation of the conditions.

(4) The sheriff may set aside the decision concerned and where the sheriff does so, the matter shall be referred back to the Scottish Ministers to re-determine the matter, subject to paragraph (7), in accordance with these Regulations and the sheriff may, subject to these Regulations, make such interim or other order as may be thought fit.

(5) Paragraphs (1) and (2) apply to decisions of the Scottish Ministers following re-determination following appeal as they do to decisions on initial determination.

(6) In the event of an appeal from the decision of the sheriff or any further appeal, paragraph (4) shall apply and the references therein to the sheriff shall be taken as referring to the person determining that appeal.

(7) Where a matter is referred back by the sheriff under this regulation, the Scottish Ministers shall, in re-determining that matter apply so much of the procedures set out in these Regulations as appear to them to be necessary and appropriate to carry out that re-determination and shall advise the appellants and all interested persons of the procedures to be applied for that purpose.