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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 606**

**The Welfare of Animals (Transport)  
(Scotland) Regulations 2006**

**PART 4**

**Approvals**

**The competent authority**

**18.**—(1) The Scottish Ministers are the competent authority for the purposes of granting and issuing—

- (a) authorisations to transporters in accordance with Articles 10, 11 and 13 of Council Regulation (EC) No. 1/2005;
- (b) certificates of competence in accordance with Article 17(2) of that Regulation;
- (c) certificates of approval of means of transport by road in accordance with Article 18(1) of that Regulation; and
- (d) certificates of approval of livestock vessels in accordance with Article 19(1) of that Regulation.

(2) The Scottish Ministers are also the competent authority for—

- (a) receiving notification in accordance with Article 6(2) of Council Regulation (EC) No. 1/2005;
- (b) receiving documents in accordance with Articles 6(5), 6(8), 6(9) and point 3(b) of Annex II to that Regulation;
- (c) checking and inspecting journey logs in accordance with Articles 14(1) and the second paragraph of point 5 of Annex II to that Regulation;
- (d) carrying out checks in accordance with Article 15 of that Regulation;
- (e) recording information in accordance with Articles 19(3) and 19(4) of that Regulation;
- (f) inspecting livestock vessels in accordance with Article 20 of that Regulation;
- (g) requiring action in the event of non-compliance by transporters in accordance with Article 23 of that Regulation;
- (h) receiving notification from other competent authorities of non-compliance in accordance with Article 26(2) and (3) of that Regulation;
- (i) taking action in the event of infringements in accordance with Article 26 of that Regulation;
- (j) inspecting animals, means of transport and accompanying documentation in accordance with Article 27 of that Regulation;
- (k) approving classification societies in accordance with point 1 of Chapter IV of Annex I to that Regulation.

- (3) The Scottish Ministers are the competent authority for the purposes of–
- (a) granting or issuing approvals in accordance with Articles 3 and 4(2) of Council Regulation (EC) No. 1255/97;
  - (b) receiving information on animals passing through a control post in accordance with Article 5(h) and (i) of that Regulation.
- (4) The Scottish Ministers are responsible for exercising the functions of a member State for the purposes of–
- (a) Council Regulation (EC) No. 1/2005;
  - (b) Council Regulation (EC) No. 1255/97;
- and for designating bodies in accordance with Articles 17(2), 18(1) and 19(1) of Council Regulation (EC) No. 1/2005.

### **Approvals, authorisations etc**

**19.** Any approval, authorisation or certificate, issued under these Regulations, Council Regulation (EC) No. 1/2005 or Council Regulation (EC) No. 1255/97–

- (a) must be in writing;
- (b) may be made subject to conditions; and
- (c) may be amended, suspended or revoked at any time.

### **Suspension, revocation of approvals etc**

**20.**—(1) The Scottish Ministers, by notice served on the holder of an approval, authorisation or certificate, may suspend or amend an approval, authorisation, a certificate of approval or a certificate of competence if they are satisfied that any conditions under which it was granted or of any provision of Council Regulation (EC) No. 1/2005, Council Regulation (EC) No. 1255/97 or these Regulations have been breached.

- (2) A suspension under paragraph (1)–
- (a) has immediate effect where the Scottish Ministers consider it necessary for the protection of animal welfare;
  - (b) otherwise shall not have effect for at least 21 days following service of the notice.
- (3) The notice must–
- (a) give reasons;
  - (b) state when it comes into effect and, in the case of a suspension, state on what date or event it is to cease to have effect; and
  - (c) explain the right of the recipient of the notice to make written representations to a person appointed by the Scottish Ministers.

(4) Where the notice does not have immediate effect, and representations are made under regulation 21, an amendment or suspension will not have effect until the final determination by the Scottish Ministers in accordance with regulation 21 unless the Scottish Ministers decide that it is necessary for the protection of animal welfare for the amendment or suspension to have immediate effect and give notice to the holder of the approval, authorisation or certificate.

(5) Where a suspension is upheld, the Scottish Ministers may, by notice, revoke an approval, authorisation, certificate of approval or certificate of competence if satisfied that these Regulations, Council Regulation (EC) No. 1/2005 or Council Regulation (EC) No. 1255/97 will not be complied with.

(6) A notice must not be issued under paragraph (5) until the process in regulation 21 (if any) has been completed.

**Representations to an appointed person**

**21.—**(1) A person may make written representations against a refusal, condition, amendment, suspension or revocation to a person appointed for the purpose by the Scottish Ministers.

(2) Representations must be made within 21 days of receiving notification of the Scottish Ministers' decision.

(3) The appointed person must consider the representations and report in writing to the Scottish Ministers.

(4) The Scottish Ministers must give written notification of their final determination and the reasons for it.