
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 171

**The Animal By-Products (Enforcement)
(Scotland) Regulations 2011**

PART 3

Registration and approval

Procedure for registration of plants and establishments

11. A notification must be made in writing to the competent authority, where it is made in relation to the following Article of the EU Control Regulation:—

- (a) with a view to registration in accordance with Article 23(1); or
- (b) to inform the competent authority of changes in accordance with Article 23(2).

Notifications of competent authority in respect of registration

12. The competent authority must give notice in writing to—

- (a) the operator who has notified in accordance with regulation 11 of—
 - (i) the registration of such an operator; or
 - (ii) the decision not to register; and
- (b) a registered operator of—
 - (i) a prohibition made under Article 46(2) of the EU Control Regulation (prohibition on operations);
 - (ii) a requirement to comply with Article 23(1)(b) or (2) of the EU Control Regulation (information on activities and up to date information); or
 - (iii) the amendment of the registration or the ending of the registration where an operator has notified the competent authority of the closure of an establishment in accordance with Article 23(2) of the EU Control Regulation (up-to-date information).

Procedure for application for approval

13. Operators to whom Article 24(1) of the EU Control Regulation applies, must apply in writing to the competent authority to be—

- (a) approved; or
- (b) where Article 33 of the EU Implementing Regulation applies, re-approved.

Notification in respect of decisions on approval

14. The competent authority must give notice in writing to—

- (a) the applicant for approval of the—

- (i) grant of approval in accordance with Articles 24 and 44 of the EU Control Regulation;
- (ii) grant of conditional approval in accordance with Articles 24 and 44 of the EU Control Regulation, or the extension of such approval in accordance with that Article; or
- (iii) refusal to grant approval in accordance with the initial application or extension;
- (b) where conditional approval has been granted in accordance with Articles 24 and 44 of the EU Control Regulation, the operator of the plant or establishment subject to such approval of the—
 - (i) grant of full approval;
 - (ii) extension of such approval;
 - (iii) imposition of conditions in accordance with Article 46(1)(c) of the EU Control Regulation;
 - (iv) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation;
 - (v) withdrawal of such approval in accordance with Article 46(1)(b) of the EU Control Regulation;
 - (vi) refusal to extend or grant full approval; or
 - (vii) prohibition in accordance with Article 46(2) of the EU Control Regulation; or
- (c) the operator of an approved plant or establishment of the—
 - (i) imposition of conditions in accordance with Article 46(1)(c) of the EU Control Regulation;
 - (ii) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation;
 - (iii) withdrawal of such approval in accordance with Article 46(1)(b) of the EU Control Regulation; or
 - (iv) prohibition in accordance with Article 46(2) of the EU Control Regulation.

Reasons for decisions

15.—(1) Where a decision is made by the competent authority as provided in paragraph (2), the competent authority must give reasons in writing for that decision, with the decision.

(2) The types of decision are those made—

- (a) in respect of registration, under regulation 12(a)(ii) (not to register) or regulation 12(b) (requirements, amendments or ending of registration);
- (b) in respect of an application of approval, as mentioned in regulation 14(a)(ii) (conditional approval) or regulation 14(a)(iii) (refusal);
- (c) in respect of conditional approval, as mentioned in regulation 14(b)(v) (withdrawal) or regulation 14(b)(vii) (refusal);
- (d) in respect of the suspension or withdrawal of full approval, as mentioned in regulation 14(c)(ii) or regulation 14(c)(iii);
- (e) in respect of the imposition of conditions, as mentioned in regulation 14(b)(iii) or regulation 14(c)(i);
- (f) in respect of a prohibition as mentioned in regulation 14(b)(vii) or regulation 14(c)(iv).

Appeals procedure

16.—(1) Where the competent authority has notified a decision referred to in regulation 15(2), a person may make written representations to a person appointed for the purpose by the Scottish Ministers within 21 days of the notification of that decision.

(2) The competent authority may also make written representations to the appointed person concerning the decision.

(3) The appointed person must then report in writing to the Scottish Ministers, who will then make their final determination.

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