
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 324

**The Marketing of Horticultural Produce
(Scotland) Amendment Regulations 2011**

Amendment of the Marketing of Horticultural Produce (Scotland) Regulations 2009

7. For regulation 11 (appeals) substitute—

“Right of review

11.—(1) The person on whom a notice has been served, or owner of the horticultural produce or an agent or employee acting on behalf of the owner (“the relevant person”), may request the Scottish Ministers to arrange a review of the decision of an authorised officer to serve a notice under regulation 10(1).

(2) The relevant person requesting a review of a decision to serve a notice under regulation 10(1) must do so in person, by telephone, in writing or by fax to the contact details indicated in the notice and a request in person or by telephone must be confirmed in writing as soon as reasonably practicable thereafter.

(3) The review is to be determined by a person (unconnected with the original decision) appointed by the Scottish Ministers (“the appointed person”) under arrangements maintained by them for the purpose of this regulation.

(4) The appointed person conducting the review may cancel the notice or confirm it, with or without modifications.

(5) The appointed person must—

(a) complete the review as soon as reasonably practicable and in any event within two working days of the request being made under paragraph (1); and

(b) serve notice on the relevant person of the decision in writing.

(6) The Scottish Ministers may suspend the notice pending determination of the review and must serve a notice forthwith of their decision to do so on the relevant person and the authorised officer.

(7) The appointed person’s determination is final.”.