
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 321

**The Welfare of Animals at the Time of
Killing (Scotland) Regulations 2012**

PART 7

Appeals

Appeals

25.—(1) A person who is aggrieved by—

- (a) a decision of the competent authority to refuse, suspend or revoke a certificate or a temporary certificate or to refuse to modify a certificate; or
- (b) a decision of an authorised person to serve an enforcement notice under regulation 21,

may appeal to the sheriff against the decision or the notice.

[^{F1}(1A) A person who is aggrieved by a decision of the competent authority not to recognise a qualification under Part 2 of the Professional Qualifications Regulations 2023 in relation to an operation specified in regulation 5 may appeal to the sheriff against the decision.

(1B) In paragraph (1A), the reference to a decision of the competent authority not to recognise a person's qualification under Part 2 of the Professional Qualifications Regulations 2023 is to be treated as including any failure by the competent authority to notify the applicant of its decision concerning the person's application within the period of four months beginning with the day after the day on which the person submitted a complete application to the competent authority under Part 2 of the Professional Qualifications Regulations 2023.]

(2) The competent authority may be a party to an appeal under this regulation.

(3) An appeal under this regulation—

- (a) may be on any issue of fact or law;
- (b) is to be made by way of summary application; and
- (c) must be lodged with the sheriff clerk within the period of 28 days from the day on which the decision was made.

(4) On good cause being shown the sheriff may hear an appeal under this regulation which was not lodged within the period referred to in paragraph (3)(c).

(5) Unless the sheriff orders otherwise, the decision appealed against is not suspended pending the determination of the appeal.

(6) In considering an appeal under this regulation, the sheriff may hear evidence by or on behalf of any party to the appeal.

(7) On an appeal under this regulation the sheriff may—

- (a) reduce the decision;
- (b) uphold the decision (with or without modification); or

- (c) remit the matter, or any aspect of it, to the competent authority for further consideration.
- (8) On remitting a matter under paragraph (7)(c), the sheriff may—
 - (a) specify a date by which the competent authority must, having reconsidered the matter, make another decision; and
 - (b) modify any procedural steps which otherwise would be required in relation to the matter by or under these Regulations.
- (9) The sheriff may include in a decision on an appeal under this regulation such order as to the expenses of the appeal as the sheriff considers appropriate.
- (10) The decision of the sheriff on an appeal under this regulation is final.

Textual Amendments

- F1** Reg. 25(1A)(1B) inserted (1.12.2023) by [The Animal Welfare and Food Safety \(International Professional Qualification Recognition Agreement Implementation\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/312\)](#), regs. 1, **2(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012, Section 25.