
STATUTORY INSTRUMENTS

1995 No. 1086

The Dairy Products (Hygiene) Regulations 1995

PART IV

**CANCELLATION OF REGISTRATIONS
AND REVOCATION OF APPROVALS**

Cancellation revocation and appeal

8.—(1) The Minister may cancel a registration granted by the Minister under regulation 4 or deemed to be granted by virtue of regulation 14, in respect of any production holding if, after an inspection of, or an inquiry into, the method of operation of the production holding, the Minister is satisfied that in respect of that production holding—

- (a) here is an obvious failure to comply with these Regulations;
- (b) there are obstacles to an adequate inspection of that production holding;
- (c) the business carried on at the premises in respect of which the registration was granted is no longer being carried on there; or
- (d) the premises have become exempt under regulation 3.

(2) An approving authority may revoke an approval granted by that authority under regulation 6 or 15 in respect of any dairy establishment if, after an inspection of, or an inquiry into, the method of operation of the dairy establishment, it is satisfied that in respect of that dairy establishment—

- (a) there is an obvious failure to comply with these Regulations;
- (b) there are obstacles to an adequate inspection of that dairy establishment;
- (c) the business carried on at the premises in respect of which the approval was granted is no longer being carried on there; or
- (d) the premises have become exempt under regulation 3.

(3) In relation to a production holding the Minister and in relation to a dairy establishment the approving authority shall give the occupier of those premises notice in writing—

- (a) of the decision by the Minister or the approving authority, as the case may be, to cancel the registration of the production holding or to revoke the approval of the dairy establishment;
- (b) of the date on which the cancellation or revocation is to take effect; and
- (c) of the reasons for cancellation or revocation.

(4) An approval may not be revoked under paragraph (2)(a) or (b) above unless there is in force in relation to the dairy establishment—

- (a) a prohibition order under section 11 of the Act; or
- (b) an emergency prohibition order under section 12,

and in consequence of compliance with the order dairy products may no longer be handled at those premises.

(5) Any person who is aggrieved by the cancellation of a registration, or the revocation of an approval may appeal to a magistrates' court.

(6) Sections 37(3) to (6) of the Act shall have effect in relation to an appeal under this regulation as they have effect in relation to an appeal under that section but with the omission—

(a) of the references to appeals for which provision is made by regulations under section 37(2); and

(b) of subsection 5(b) and the word “or” immediately preceding it.

(7) A cancellation or revocation shall not take effect until the time for appealing against it has expired and, if an appeal is lodged, until the appeal is finally disposed of or abandoned.

(8) In paragraph (3) above “occupier”, in relation to a proposed cancellation or revocation by virtue of paragraph (1)(c) or (2)(c) above, where the production holding or dairy establishment is vacant, means the last person known to the Minister or the approving authority, as the case may be, to have carried on at the production holding or dairy establishment the business of producing or handling dairy products, or his successor in respect of that business.