
WELSH STATUTORY INSTRUMENTS

2005 No. 3368

The Feed (Hygiene and Enforcement) (Wales) Regulations 2005

PART 2

Enforcement of Regulation 183/2005

Right of appeal against suspension or revocation of registration

13.—(1) Any person who is aggrieved by the decision of an enforcement authority taken in respect of—

- (a) the approval of an establishment under Article 13;
- (b) suspension of the registration or approval of an establishment under Article 14;
- (c) revocation of the registration or approval of an establishment under Article 15; or
- (d) amendment of the approval of an establishment under Article 16

may appeal to a magistrates' court.

(2) The procedure on appeal to a magistrates' court under paragraph (1) is by way of complaint for an order, and the Magistrates' Courts Act 1980(1) will apply to the proceedings.

(3) The period within which an appeal under paragraph (1) may be brought is one month from the date on which notice of the decision was served on the person desiring to appeal and the making of a complaint for an order is deemed for the purposes of this paragraph to be the bringing of the appeal.

(4) Where on an appeal under paragraph (1) a magistrates' court determines that the decision of the enforcement authority is incorrect, the authority must give effect to the determination of the court.

(5) Where a registration is suspended or revoked, the feed business operator who, immediately before such suspension or revocation, had been using the establishment concerned may continue to use it, subject to any conditions imposed by the enforcement authority for the protection of public health, unless—

- (a) the time limit for appealing against the decision to suspend or revoke registration has expired without an appeal having been lodged; or
- (b) where an appeal against that decision has been lodged, the appeal has been finally disposed of or abandoned.

(6) Nothing in paragraph (5) permits an establishment to be used for a feed business if a feed business prohibition order, a feed business emergency prohibition notice or a feed business emergency prohibition order has been imposed in relation to the establishment.