

SCHEDULE 1
COMMERCIALY DAMAGING SPECIES: CONTROL SCHEMES

Appeals

- 13 (1) Any person who carries on a business of fish farming or shellfish farming at a fish farm or shellfish farm to which a control scheme relates may appeal by way of summary application to a sheriff against—
- (a) a decision of the Scottish Ministers to—
 - (i) make the control scheme,
 - (ii) make a scheme varying the control scheme, or
 - (iii) revoke the control scheme, or
 - (b) the terms or conditions of the control scheme (including such a scheme as varied).
- (2) An appeal under sub-paragraph (1) must be lodged not later than 28 days after the date on which the person making the appeal received a notice under paragraph 11.
- (3) On an appeal under sub-paragraph (1), the sheriff may—
- (a) affirm the control scheme,
 - (b) direct the Scottish Ministers to amend the scheme in such manner as the sheriff may specify,
 - (c) direct the Scottish Ministers to revoke the scheme,
 - (d) make such other order as the sheriff thinks fit.
- (4) A decision of the sheriff on an appeal under sub-paragraph (1) is final except on a point of law.
- (5) An appeal on a point of law against the decision of a sheriff under sub-paragraph (1) lies to the Court of Session only.