
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 332

**The Animal By-Products (Enforcement)
Regulations (Northern Ireland) 2015**

PART 4

REGISTRATION AND APPROVAL

Procedure for registration of plants and establishments

13. A notification shall be made in writing to the Department, where it is made in relation to Articles 23(1) and 23(2) of the EU Control Regulation—

- (a) with a view to registration in accordance with Article 23(1); or
- (b) to inform the Department of changes in accordance with Article 23(2).

Notifications of the Department in respect of registration

14.—(1) The Department shall give notice in writing to—

- (a) the operator who has notified in accordance with regulation 13 of—
 - (i) the registration of such an operator; or
 - (ii) the decision not to register;
- (b) a registered operator of—
 - (i) a prohibition made under Article 46(2) of the EU Control Regulation (prohibition on operations);
 - (ii) a requirement to comply with Article 23(1)(b) or (2) of the EU Control Regulation (information on activities and up to date information);
 - (iii) the amendment of the registration or the ending of the registration where an operator has notified the Department of the closure of an establishment in accordance with Article 23(2) (up to date information) of the EU Control Regulation.

(2) Any notice served or decision made under this regulation shall be in writing and may be made subject to such conditions as are necessary to—

- (a) ensure that the provisions of the EU Control Regulation, the EU Implementing Regulation and these Regulations are complied with; and
- (b) protect public and animal health.

Approval

15. Operators to whom Article 24(1) of the EU Control Regulation applies, shall apply in writing to the Department to be—

- (a) approved; or

- (b) where Article 33 of the EU Implementing Regulation applies, re-approved.

Notification in respect of decisions on approval

16.—(1) The Department shall give notice in writing to—

- (a) the applicant for approval of the—
 - (i) grant of approval in accordance with Articles 24 and 44 of the EU Control Regulation;
 - (ii) grant of conditional approval in accordance with Articles 24 and 44 of the EU Control Regulation, or the extension of such approval in accordance with Article 44; or
 - (iii) refusal to grant approval in accordance with initial application or extension;
- (b) where conditional approval has been granted in accordance with Articles 24 and 44 of the EU Control Regulation, the operator of the plant or establishment subject to such approval, of the—
 - (i) grant of full approval;
 - (ii) extension of such approval;
 - (iii) imposition of conditions in accordance with Article 46(1)(c) of the EU Control Regulation;
 - (iv) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation ;
 - (v) withdrawal of such approval in accordance with Article 46(1)(b) of the EU Control Regulation;
 - (vi) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or
 - (vii) refusal to extend or grant full approval;
- (c) the operator of an approved plant or establishment of the—
 - (i) imposition of conditions in accordance with Article 46(1)(c) of the EU Control Regulation (suspension, withdrawal);
 - (ii) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation;
 - (iii) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or
 - (iv) withdrawal of such approval in accordance Article 46(1)(b) of the EU Control Regulation.

(2) Any notice served or decision made under this regulation shall be in writing and may be made subject to such conditions as are necessary to—

- (a) ensure that the provisions of the EU Control Regulation, the EU Implementing Regulation and these Regulations are complied with; and
- (b) protect public and animal health.

Reasons for decisions

17.—(1) Where a decision is made by the Department as provided in paragraph (2), the Department shall give reasons in writing for that decision.

(2) Paragraph (1) applies to a decision made—

- (a) in respect of registration, under regulation 14(1)(a)(ii)(not to register) or regulation 14(1)(b) (prohibition, imposition of requirement, amendment or ending of registration);
- (b) in respect of an application of approval, under regulation 16(1)(a)(ii) (conditional approval), regulation 16(1)(a)(iii) (refusal) or regulation 16(1)(b)(iv) (suspension);
- (c) in respect of conditional approval, under regulation 16(1)(b)(v) (withdrawal) or regulation 16(1)(b)(vii) (refusal);
- (d) in respect of the suspension or withdrawal of full approval, under regulation 16(1)(c)(ii)(suspension) or regulation 16(1)(c)(iv)(withdrawal);
- (e) in respect of the imposition of conditions, under regulation 16(1)(b)(iii) or regulation 16(1)(c)(i);
- (f) in respect of a prohibition, under regulation 16(1)(b)(vi) or regulation 16(1)(c)(iii).

Appeals

18.—(1) Where the Department has made a notification referred to in regulation 17(2), a person may appeal against it by making written representations to a person appointed for the purpose by the Department within 21 days of the issuing of notification of that decision.

(2) The Department may also make written representations to the appointed person concerning the decision.

(3) The appointed person shall then report in writing to the Department.

(4) The Department shall give to the appellant written notification of the final determination of the Department and the reasons for it.

(5) A person who is aggrieved by the final determination of the Department under paragraph (4) may, within 21 days of the issuing of notification of the determination, appeal against that determination to a court of summary jurisdiction.