

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fishery Products (Official Controls Charges) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCOTTISH STATUTORY INSTRUMENTS

2005 No. 597

The Fishery Products (Official Controls Charges) (Scotland) Regulations 2005

PROSPECTIVE

PART I

PRELIMINARY

Appeals

8.—(1) A person may appeal to the sheriff against any decision of a relevant food authority or the competent authority imposing a charge under these Regulations.

(2) Section 37(4) to (6) of the Food Safety Act 1990(1) shall apply in relation to an appeal under paragraph (1) as it applies in relation to an appeal under section 37(1)(c) of that Act.

(3) On an appeal under paragraph (1), the sheriff may—

- (a) confirm the decision of the authority imposing the charge;
- (b) determine any charge which is payable under these Regulations and, in particular, may reduce the amount of any charge by 55% where the authority concerned is required to make that reduction under regulation 11, 14, 18 or 22 but has not done so; or
- (c) determine that no charge is payable.

(4) Pending the outcome of an appeal under paragraph (1) the original amount of the charge shall remain payable, but if pursuant to the sheriff's decision the amount of the charge is recalculated, the recalculated charge shall be payable to the authority concerned from the date on which the original charge was made.

(5) If the sheriff determines that the amount of any charge imposed under these Regulations is less than the amount which any person has paid to an authority in respect of it, the overpayment shall be reimbursed by that authority.

Commencement Information

11 Reg. 8 in force at 1.1.2006, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2006/579 reg. 14](#)
- reg. 8 coming into force by [S.S.I. 2005/597 reg. 1\(1\)](#)