
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 608

**The Feed (Hygiene and Enforcement)
(Scotland) Regulations 2005**

PART 2

Enforcement of Regulation 183/2005

Right of appeal in connection with registration or approval

13.—(1) Any person who is aggrieved by the decision of a competent 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) suspension in accordance with regulation 10(2);
- (d) revocation of the registration or approval of an establishment under Article 15; or
- (e) amendment of the approval of an establishment under Article 16,

may appeal to the sheriff.

(2) An appeal to the sheriff under paragraph (1) shall be by way of summary application.

(3) The period within which an appeal under paragraph (1) may be brought shall be 1 month from the date on which notice of the decision was served on the person desiring to appeal.

(4) Where on an appeal under paragraph (1) the sheriff determines that the decision of the competent authority is incorrect, the authority shall give effect to that determination.

(5) Where a registration or approval 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 competent authority for the protection of public health, unless—

- (a) the time limit for appealing against the decision to suspend or revoke the registration or approval 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- (b) where an appeal against that decision has been lodged, the appeal has been finally disposed of or is withdrawn.

(6) Nothing in paragraph (5) shall permit an establishment to be used as a feed business if a feed business prohibition order, a feed business emergency prohibition notice or a feed business emergency prohibition order (under regulations 21 or 22 as the case may be) has been imposed in relation to the establishment.