
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 141

**The Licensing of Animal Dealers (Young Cats
and Young Dogs) (Scotland) Regulations 2009**

Appeals

14.—(1) An applicant or licence holder may appeal to the sheriff against a determination of a review by the licensing authority under regulation 13.

(2) The licensing authority may be a party to an appeal under this regulation.

(3) An appeal under this regulation shall be made by way of summary application and shall be lodged with the sheriff clerk within the period of 28 days from the day on which the determination was made.

(4) On good cause being shown, the sheriff may hear an appeal under this regulation notwithstanding that it was not lodged within the time mentioned in paragraph (3) above.

(5) For the purposes of an appeal under this regulation, the sheriff may require the licensing authority to give reasons for that decision, and the licensing authority shall comply with such a requirement.

(6) The sheriff may uphold an appeal under this regulation only if the sheriff considers that the licensing authority, in arriving at their determination—

- (a) erred in law;
- (b) based their determination on any incorrect material fact;
- (c) acted contrary to natural justice; or
- (d) exercised their discretion in an unreasonable manner.

(7) In considering an appeal under this regulation, the sheriff may hear evidence by or on behalf of any party to the appeal.

(8) On upholding an appeal under this regulation, the sheriff may—

- (a) remit the case with the reasons for such decision to the licensing authority for reconsideration of their determination; or
- (b) reverse or modify the determination of the authority.

(9) On remitting a case under paragraph (8)(a) above, the sheriff may—

- (a) specify a date by which the reconsideration by the authority must take place;
- (b) modify any procedural steps which otherwise would be required in relation to the matter by or under any enactment (including these Regulations).

(10) The sheriff may include in the decision on an appeal under this regulation such order as to the expenses of the appeal as the sheriff thinks proper.

(11) The decision of the sheriff is final.