
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 307

**The Animal By-Products (Enforcement)
(Scotland) Regulations 2013**

PART 4

Registration and approval

Procedure for registration of plants and establishments

12. A notification by an operator must be made in writing to the competent authority, where it is made—

- (a) for the purpose of registration in accordance with Article 23(1) of the EU Control Regulation (registration of operators, establishments or plants); or
- (b) to inform the competent authority of changes in accordance with Article 23(2) of the EU Control Regulation.

Notifications of competent authority in respect of registration

13. The competent authority must give notice in writing to—

- (a) the operator who has made a notification in accordance with regulation 12 of the decision to—
 - (i) register such an operator; or
 - (ii) not to register such an operator; and
- (b) a registered operator of—
 - (i) a prohibition in accordance with 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 (provision of information on activities and up to date information); or
 - (iii) the amendment of the registration or the ending of the registration where an operator has notified the competent authority of the closure of an establishment in accordance with Article 23(2) of the EU Control Regulation.

Procedure for application for approval

14. An operator to whom Article 24(1) of the EU Control Regulation (approval of establishments or plants) applies, must apply in writing to the competent authority to be—

- (a) approved; or
- (b) where Article 33 of the EU Implementing Regulation (re-approval of plants and establishments after the grant of temporary approval) applies, re-approved.

Notification in respect of decisions on approval

15. The competent authority must give notice in writing to—
- (a) the operator who submitted an application for approval, of the—
 - (i) grant of approval in accordance with Articles 24 (approval of establishments or plants) and 44 (procedure for approval) of the EU Control Regulation;
 - (ii) grant of conditional approval, or its extension, in accordance with Articles 24 and 44 of the EU Control Regulation; or
 - (iii) refusal to grant approval or to extend a conditional approval;
 - (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 (suspensions, withdrawals and prohibitions on operations);
 - (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) refusal to extend or grant full approval; or
 - (vii) prohibition in accordance with Article 46(2) of the EU Control Regulation; or
 - (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;
 - (ii) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation;
 - (iii) withdrawal of such approval in accordance with Article 46(1)(b) of the EU Control Regulation; or
 - (iv) prohibition in accordance with Article 46(2) of the EU Control Regulation.

Reasons for decisions

16.—(1) Where a decision is made by the competent authority of a type mentioned in paragraph (2), the competent authority must give reasons in writing for that decision.

- (2) The types of decision are those made under—
- (a) regulation 13(a)(ii) or (b);
 - (b) regulation 15(a)(ii) or (iii);
 - (c) regulation 15(b)(iv), (v) or (vi);
 - (d) regulation 15(c)(ii) or (iii);
 - (e) regulation 15(b)(iii) or (c)(i);
 - (f) regulation 15(b)(vii) or (c)(iv).

Appeals procedure

17.—(1) Where the competent authority has notified a decision of a type mentioned in regulation 16(2), a person may appeal against it by making written representations to a person appointed by the Scottish Ministers for the purpose of considering appeals, within 21 days of the notification of that decision.

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

(3) The appointed person must then report in writing to the Scottish Ministers, who will then make their final determination.

(4) The Scottish Ministers must give to the appellant written notification of the Scottish Ministers' final determination and the reasons for it.