
 STATUTORY INSTRUMENTS

1984 No. 922 (S. 93)

ANIMALS

DEER

**The Licensing of Venison Dealers (Application Procedures etc.)
(Scotland) Order 1984**

<i>Made - - - -</i>	22nd June 1984
<i>Laid before Parliament</i>	11th July 1984
<i>Coming into Operation</i>	1st January 1985

In exercise of the powers conferred on me by section 25A(2) of the Deer (Scotland) Act 1959 (a) and of all other powers enabling me in that behalf I hereby make the following order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Licensing of Venison Dealers (Application Procedures etc.) (Scotland) Order 1984 and shall come into operation on 1st January 1985.

(2) In this order unless the context otherwise requires—

“the Act” means the Deer (Scotland) Act 1959;

“chief constable” means in relation to a licensing authority’s area the chief constable for the police area which includes the area of the licensing authority;

“licensing authority” means the authority authorised under section 25A(1) of the Act to grant a venison dealer’s licence;

“fire authority” means in relation to a licensing authority’s area, the authority discharging in that area the functions of fire authority under the Fire Services Acts 1947 to 1959 (b);

“premises” includes land;

“licence” means a licence to deal in venison;

“venison” means the carcase or any edible part of the carcase of a deer.

Applications for the grant and renewal of licences

2.—(1) An application to a licensing authority for the grant or renewal of a licence to deal in venison (to be known as a “venison dealer’s licence”) shall be—

(a) made in writing in such form as may be determined by the licensing authority;

(b) signed by the applicant or his agent; and

(c) accompanied by such reasonable fee as the authority may determine to charge.

(a) 1959 c.40; section 25A(2) was inserted by the Deer (Amendment) (Scotland) Act 1982 (c.19), section 11.

(b) 1947 c.41, 1951 c.27, 1959 c.44.

- (2) An application under paragraph (1) above shall specify—
- (a) where the applicant is a natural person, his full name and address and, where the applicant himself is not to be carrying on the day-to-day management of the dealing in venison the full name and address of any employee or agent who is;
 - (b) where the application is made by or on behalf of a person other than a natural person—
 - (i) the full name of the person;
 - (ii) the address of its registered or principal office;
 - (iii) the names and private addresses of its directors, partners, or other persons responsible for its management; and
 - (iv) the full name and address of any employee or agent who is to carry on the day-to-day management of the dealing in venison;
 - (c) the address of any premises within the area of the licensing authority in or from which the dealing in venison is to be carried on; and
 - (d) such other information as the authority may reasonably require.

Disposal of applications for the grant and renewal of licences

3.—(1) A licensing authority shall, as soon as an application for the grant or renewal of a licence is made to them, send a copy of the application to the chief constable, the fire authority and to the Red Deer Commission.

(2) In considering an application for the grant or renewal of a licence a licensing authority may make such reasonable enquiries as they think fit and include the results of these enquiries in matters they take into account, but where they intend so to include any of these results they shall notify the applicant of that intention.

(3) A licensing authority shall not reach a final decision upon an application—

- (a) in relation to which they intend to take into account any result of their enquiries under paragraph (2) above; and
- (b) in respect of which they have not, under this article, given the applicant an opportunity to be heard,

unless they have given the applicant an opportunity to notify them in writing of his views on such result within such reasonable period (not being less than 7 days) as they may specify.

(4) The period referred to in paragraph (3) above shall begin with the date when the notification given by the licensing authority for the purpose of paragraph (3) is delivered by hand to the person concerned and, when it is sent by post, it shall be treated as being delivered at the time when it might be expected to be delivered in the normal course of post.

(5) Where an application for the grant or renewal of a licence has been made to a licensing authority they shall, in accordance with this article—

- (a) grant or renew the licence unconditionally; .
- (b) grant or renew the licence subject to conditions; or
- (c) refuse to grant or renew the licence.

(6) The conditions referred to in paragraph (5)(b) above shall be such reasonable conditions as the licensing authority think fit and may include conditions which relate to the inspection of the venison.

(7) Where an authority refuses to grant or renew a licence they shall furnish the applicant with their reasons for doing so.

(8) A licensing authority shall in accordance with paragraph (9) below notify their decision under paragraph (5) above to—

- (a) the applicant,
- (b) the chief constable,
- (c) the fire authority, and
- (d) the Red Deer Commission.

(9) Notification shall be made under paragraph (8) above within 7 days of the decision to be notified by sending to the person concerned written notice of the decision.

Appeals

4.—(1) Subject to paragraph (2) below, a person to whom a licensing authority have refused to grant or renew a licence may appeal to the Sheriff against that decision.

(2) A person shall be entitled to appeal to the Sheriff only if he has followed such procedures under this order for stating his case to the licensing authority as have been made available to him.

(3) A licensing authority may be a party to an appeal under this article.

(4) An appeal under this article shall be made by way of summary application and shall be lodged with the Sheriff Clerk within 28 days from the date of the decision appealed against.

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

(6) For the purposes of an appeal under this article the sheriff may, in the case of a decision of a licensing authority for which reasons have not been given by the authority under article 3(7) above, require the authority to give reasons for that decision, and the authority shall comply with such a requirement.

(7) The Sheriff may uphold an appeal under this article only if he considers that the licensing authority, in arriving at their decision—

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

(8) In considering an appeal under this article the Sheriff may hear evidence by or on behalf of any party to the appeal.

(9) On upholding an appeal under this article the Sheriff may—

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

and on remitting a case under sub-paragraph (a) above, the Sheriff may—

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

(10) The Sheriff may include in his decision on an appeal under this paragraph such order as to the expenses of the appeal as he thinks proper.

(11) Any party to an appeal to the Sheriff under this article may appeal on

a point of law from the Sheriff's decision to the Court of Session within 28 days from the date of that decision.

Death of a holder

5. Paragraph 8(3) of Schedule 1 to the Civic Government (Scotland) Act 1982 (a) shall apply to any licence issued.

Notification of changes and alterations

6. Sub-paragraphs (1) and (8) of paragraph 9 of Schedule 1 to the Civic Government (Scotland) Act 1982 shall apply to any licence issued.

Fees

7. A licensing authority may, in respect of applications for the grant or renewal of licences, charge such reasonable fees as they may determine; and the licensing authority in determining such fees shall seek to ensure that, from time to time the total amount of fees receivable by the authority is sufficient to meet the expenses of the authority in exercising their functions under this order.

Surrender and handing in of licences

8.—(1) A holder of a licence may at any time surrender the licence to the licensing authority and it shall thereupon cease to have effect.

- (2) A holder of a licence shall deliver the licence to the licensing authority
- (a) within 7 days after the coming into effect of a decision of a court under section 25D(7) of the Act (b) disqualifying the holder from holding or obtaining a licence; or
 - (b) if he ceases to deal in venison.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
22nd June 1984.

(a) 1982 c.45.

(b) 1959 c.40; section 25D was inserted by the Deer (Amendment) (Scotland) Act 1982 (c.19), section 11.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prescribes in detail the procedures for the grant, renewal and surrender of licences to deal in venison. It specifies the information to be supplied on an application form for the grant or renewal of a licence (article 2) and the way in which licensing authorities should deal with applications (article 3). It lays down procedures whereby a person may appeal to the Sheriff against a decision by a licensing authority to refuse to grant or renew a licence (article 4).

The complete provisions for dealing in venison are found in Part IIIA of the Deer (Scotland) Act 1959.

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