
STATUTORY INSTRUMENTS

1995 No. 1372

The Dairy Products (Hygiene) (Scotland) Regulations 1995

PART II

LICENSING AND USE OF PRODUCTION HOLDINGS

Licensing

4.—(1) No person shall use any premises as a production holding for the production of raw milk unless those premises—

- (a) comply with the appropriate requirements of Schedule 1; and
- (b) are licensed in accordance with the provisions of paragraph (3)(a) below, or are deemed to be licensed in accordance with regulation 14.

(2) No person shall—

- (a) despatch for sale from any licensed production holding any raw milk which does not comply with the provisions of these Regulations; or
- (b) despatch any raw milk to another EEA State, or any part of the British Islands, from a production holding to which this regulation applies but which is not licensed under this regulation or deemed to be licensed under regulation 14.

(3) The food authority on application made to it under this regulation shall—

- (a) license the premises to which the application relates as a production holding if it is satisfied that both the premises and the arrangements at those premises for use as a production holding are adequate to comply with the requirements of Schedule 1 and paragraphs 1 and 2 of Schedule 7; or
- (b) refuse to license the premises as a production holding if it is not so satisfied.

(4) Each application for a licence under this regulation shall be made in writing to the food authority by the occupier of, or a person proposing to occupy, the production holding to which the application relates.

(5) The food authority shall, without unreasonable delay after receipt of the application referred to in paragraph (4) above, notify the applicant in writing of its decision on that application and of the reasons for any refusal to license such production holding.

(6) Any licence granted in respect of any production holding under this regulation shall be subject to the condition that any alteration to that production holding shall comply, if appropriate, with the requirements of Schedule 1 and paragraphs 1 and 2 of Schedule 7, if appropriate.

(7) Without prejudice to the right of appeal under section 37 of the Act against decision of a food authority not to grant a licence, any person who is aggrieved by the imposition of any condition specified by the food authority, may appeal to the sheriff.

(8) Sections 37(4) to (6) of the Act shall have effect in relation to an appeal under paragraph (7) above as they have effect in relation to an appeal under that section but with the omission of—

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(a) the reference to appeals for which provision is made by regulations under section 37(2); and

(b) subsection 5(b) and the word “or” immediately preceding it.

(9) Without prejudice to sections 9 to 12 of the Act, where the food authority has refused a licence under this regulation, a person who both prior to the commencement of these Regulations and immediately before such refusal had been lawfully using any premises for the production of raw milk, may continue to use such premises for that purpose, subject to any reasonable conditions imposed by the food authority for the protection of public health, until the time for appeal has expired and, if an appeal is lodged, until the appeal is finally disposed of or abandoned.

(10) The food authority shall be entitled to inspect any premises in respect of which an application has been made to license such premises as a production holding, prior to licensing such premises.

List of production holdings

5.—(1) The food authority shall allot a licence number to each licensed production holding including any premises deemed to be licensed in accordance with regulation 14, and keep a list of such production holdings.

(2) Any licensed production holding which ceases to be used as a production holding shall be removed from the list kept by the food authority pursuant to paragraph (1) above.