
STATUTORY INSTRUMENTS

1995 No. 1372

The Dairy Products (Hygiene) (Scotland) Regulations 1995

PART IV

REVOCATION OF LICENCES AND APPROVALS

Revocation and appeal

8.—(1) The food authority may revoke—

- (a) a licence granted by it under regulation 4 or deemed to be granted by virtue of regulation 14 in respect of any production holding, or
- (b) an approval granted by it under regulation 6 or deemed to be granted by virtue of regulation 15 in respect of any dairy establishment,

if, after an inspection of, or an inquiry into, the method of operation of the production holding or the dairy establishment, it is satisfied that in respect of that production holding or dairy establishment—

- (i) there is an obvious failure to comply with these Regulations;
- (ii) there are obstacles to an adequate inspection of that production holding or dairy establishment;
or
- (iii) the business carried on at the premises in respect of which the licence or approval was granted is no longer being carried on there; or
- (iv) the premises have become exempt under regulation 3.

(2) The food authority shall forthwith give the occupier of the premises notice in writing of—

- (a) any decision under paragraph (1) above to revoke the licence of a production holding or to revoke the approval of a dairy establishment;
- (b) the date on which the revocation is to take effect; and
- (c) the reasons for such revocation.

(3) A licence or approval may not be revoked under paragraph (1)(a) or (b) above unless there is in force in relation to the premises—

- (a) a prohibition order under section 11 of the Act; or
- (b) an emergency prohibition order under section 12,

and in consequence of compliance with the order dairy products may no longer be handled at those premises.

(4) Without prejudice to the right of appeal under section 37 of the Act against a revocation of a licence, any person who is aggrieved by the revocation of an approval may appeal to the sheriff.

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

- (a) the references 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.

(6) A revocation under this regulation shall not take effect until the time for appealing against it has expired and, if an appeal is lodged, until the appeal is finally disposed of or abandoned.

(7) In paragraph (2) above “occupier” in relation to a proposed revocation by virtue of paragraph (1)(iii) above, where the production holding or dairy establishment is vacant, means the last person known to the food authority to have carried on at the production holding or dairy establishment the business of producing or handling dairy products or his successor in respect of that business.