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## STATUTORY INSTRUMENTS

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# 1998 No. 994

## The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998

### PART III

#### PRODUCTION AND PLACING ON THE MARKET OF FISHERY PRODUCTS

##### **Variation of approvals for factory vessels or establishments**

**31.**—(1) A person may at any time apply to a food authority for it to vary any term or limitation in any approval for a factory vessel or fishery products establishment granted to him, and the food authority may vary any such term or limitation.

(2) Any person who is aggrieved by a decision of a food authority to refuse to vary a term or limitation in any approval for a factory vessel or fishery products establishment may appeal to a magistrates' court or, in Scotland, to the sheriff, and section 37(3) to (6) of the Act shall apply in relation to such an appeal as it applies in relation to any appeal under section 37(1)(c) of the Act.

(3) Where an appeal is brought in accordance with paragraph (2), the court may—

- (a) affirm any decision to refuse to vary the term or limitation in the approval;
- (b) vary the term or limitation in the approval;
- (c) remit the matter to the food authority with the court's opinion on it; or
- (d) make such other order in relation to the matter as the court thinks fit.