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STATUTORY INSTRUMENTS

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**2011 No. 881**

**The Animal By-Products (Enforcement)  
(England) Regulations 2011**

**PART 3**

Registration and approval

**Procedure for registration of plants and establishments**

- 11.** A notification must be made in writing to the competent authority, where it is made—
- (a) with a view to registration in accordance with Article 23(1) (registration of operators, establishments or plants) of the EU Control Regulation; or
  - (b) to inform the authority of changes in accordance with Article 23(2) of that Regulation.

**Notifications of competent authority in respect of registration**

- 12.** The competent authority must give notice in writing to—
- (a) the operator who has notified in accordance with regulation 11, of—
    - (i) the registration of such an operator; or
    - (ii) the decision not to register;
  - (b) a registered operator, of—
    - (i) a prohibition made under Article 46(2) (prohibition on operations) of the EU Control Regulation;
    - (ii) a requirement to comply with Article 23(1)(b) or (2) of the EU Control Regulation (information on activities and up-to-date information);
    - (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) (up to date information) of the EU Control Regulation.

**Procedure for approval**

**13.** Operators to whom Article 24(1) (approval of establishments or plants) of the EU Control Regulation applies, must apply in writing to the competent authority to be approved, including approval after the grant of temporary approval where Article 33 of the EU Implementing Regulation (re-approval of plants and establishments after the grant of temporary approval) applies.

**Notification in respect of decisions on approval**

- 14.** The competent authority must give notice in writing to—
- (a) the applicant for approval, of the—

- (i) grant of approval in accordance with Articles 24 (approval) and 44 (procedure for approval) of the EU Control Regulation;
- (ii) grant of conditional approval in accordance with Articles 24 and 44 of the EU Control Regulation, or the extension of such approval in accordance with that Article; or
- (iii) refusal to grant approval in respect of an initial application or extension;
- (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) (suspensions, withdrawals and prohibitions on operators) of the EU Control Regulation;
  - (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) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or
  - (vii) refusal to extend or grant full approval; 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 (suspension, withdrawal);
  - (ii) suspension of such approval in accordance with Article 46(1)(a) of the EU Control Regulation;
  - (iii) making of a prohibition in accordance with Article 46(2) of the EU Control Regulation; or
  - (iv) withdrawal of such approval in accordance Article 46(1)(b) of the EU Control Regulation.

### **Reasons for decisions**

**15.**—(1) Where a decision is made by the competent authority and notified in accordance with regulation 12 or regulation 14, the competent authority must give reasons in writing for that decision.

(2) Paragraph (1) does not apply to decisions notified under—

- (a) regulation 12(a)(i);
- (b) regulation 14(a)(i); or
- (c) regulation 14(b)(i) or (ii).

### **Appeals procedure**

**16.**—(1) Where the competent authority has made a notification to which regulation 15(1) applies, a person may appeal against it by making written representations, within 21 days of the notification of that decision, to a person appointed for the purpose by the Secretary of State.

(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 Secretary of State.
- (4) The Secretary of State must give to the applicant written notification of the final determination of the Secretary of State and the reasons for it.