

SCHEDULE 2

Regulation 17

Decisions relating to primate licences: representations and appeals

Application of this Schedule

1. This Schedule applies in relation to a decision by a local authority to—
 - (a) refuse a person's application to grant, renew, vary or surrender a primate licence;
 - (b) give a rectification notice to a person under regulation 15; or
 - (c) revoke or vary a person's primate licence under regulation 16.

Representations

2. The local authority must inform the person of their right to make representations under this Schedule.
3. The person may make written representations to the local authority within the period of 28 days beginning with the date on which the person is first notified of the decision.

Reconsideration

4. If the person makes written representations within the period referred to in paragraph 3, the local authority must reconsider the decision.
5. The local authority must notify the person of the outcome.
6. If the outcome of the reconsideration is to grant the application, vary or withdraw the notice or rescind the revocation or variation, the local authority must do that.
7. If the outcome is to continue to refuse the application, to proceed with the notice (with or without variation) or to proceed with the revocation or variation, the local authority must also notify the person of their right to appeal.

Appeals

8. In a case referred to in paragraph 7, the person may appeal to the First-tier Tribunal within the period of 28 days beginning with the date on which they are notified under that paragraph.
9. On appeal, the First-tier Tribunal may—
 - (a) uphold the decision of the local authority; or
 - (b) require the local authority (as the case may be) to—
 - (i) grant, renew, vary or surrender the primate licence;
 - (ii) withdraw or vary the notice; or
 - (iii) rescind the revocation or variation.

Suspension of local authority decision

10. Until the time specified in paragraph 11—
 - (a) a primate licence for which an application for renewal has been made does not expire;
 - (b) a rectification notice does not have effect;
 - (c) the revocation or variation of a licence under regulation 16 does not have effect.
11. For the purposes of paragraph 10, the time is whichever is the later of—

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- (a) the end of the period for making representations under paragraph 3;
- (b) if representations are made during that period, the end of the period for making an appeal under paragraph 8;
- (c) if an appeal is made within that period, the time when the appeal is finally determined or withdrawn.