
WELSH STATUTORY INSTRUMENTS

2014 No. 951

The Welfare of Animals at the Time
of Killing (Wales) Regulations 2014

PART 2

Certificates, temporary certificates and licences

CHAPTER 3

Administrative provisions

Refusal to grant a certificate, temporary certificate or licence

18.—(1) The competent authority may, by notice in writing, refuse to grant a certificate, temporary certificate or licence if satisfied that the applicant—

- (a) has failed to meet any of the conditions in regulations 8, 10 or 16 (as the case may be); or
- (b) is not a fit and proper person to hold a certificate, temporary certificate or licence.

(2) The notice must—

- (a) give reasons for the refusal; and
- (b) give details of the right of appeal against the decision.

Suspension or revocation of a certificate, temporary certificate or licence

19.—(1) The competent authority may, by notice in writing, suspend or revoke a certificate, temporary certificate (including a certificate or temporary certificate granted in another member State) or licence if satisfied that the holder of the certificate, temporary certificate or licence—

- (a) has failed to comply with any provision of the EU Regulation or these Regulations;
- (b) is no longer a fit and proper person to hold it;
- (c) is not, or is no longer, competent to carry out the operations which the certificate, temporary certificate or licence authorises; or
- (d) has been convicted of an offence concerning the welfare of animals.

(2) The notice must—

- (a) give reasons for the suspension or revocation;
- (b) state when the suspension or revocation comes into effect and, in the case of suspension, state on what date or event it is to cease to have effect; and
- (c) give details of the right of appeal against the decision.

(3) Any person whose certificate, temporary certificate or licence is suspended or revoked must, whether or not that suspension or revocation is the subject of an appeal pursuant to regulation 22, surrender it to the competent authority within 14 days of receipt of the notice informing that person of the suspension or revocation.

Modification of a certificate or licence

20. The competent authority must modify a certificate or licence in respect of an operation, category of animal or (where appropriate) type of equipment as requested by an applicant if—

- (a) the applicant meets the conditions in regulation 8 or 16 (as the case may be) in respect of the modification; and
- (b) the competent authority is satisfied the applicant is a fit and proper person to hold a certificate or licence, as modified.

Refusal to modify a certificate or licence

21.—(1) The competent authority may, by notice in writing, refuse to modify a certificate or licence if satisfied that the applicant—

- (a) has failed to meet the conditions in regulation 8 or 16 (as the case may be) in respect of the modification; or
 - (b) is not a fit and proper person to hold a certificate or licence, as modified.
- (2) The notice must—
- (a) give reasons for the refusal; and
 - (b) give details of the right of appeal against the decision.

Appeals

22.—(1) A person who is aggrieved by a decision of the competent authority to refuse, suspend or revoke a certificate, temporary certificate or licence, or refuse to modify a certificate or licence, may appeal against it.

(2) The right of appeal is to the First-tier Tribunal.

(3) A decision to suspend or revoke a certificate, temporary certificate or licence is not suspended pending an appeal unless the First-tier Tribunal orders otherwise.

(4) On appeal the First-tier Tribunal may either overturn or confirm the decision, with or without modification.

WASK licences

23.—(1) On the coming into force of these Regulations, a WASK licence which is still in force immediately before 20 May 2014 continues in existence as a qualification equivalent to a certificate in accordance with Article 21(7).

(2) A WASK licence holder may carry out an operation specified in regulation 6 or 13 without holding a certificate or licence registered with the competent authority provided that, by 8 December 2015, the WASK licence holder—

- (a) registers the WASK licence as a certificate with the competent authority; and
- (b) pays a fee in accordance with regulation 24.

Fees

24.—(1) In respect of an application of a type described in column 1 of the Table, the applicant must pay to the Food Standards Agency the fee specified in column 2 in relation to that type of application.

Table

<i>Column 1</i>	<i>Column 2</i>
<i>Type of application</i>	<i>Fee (£)</i>
Application for a certificate	25
Application to register a WASK licence as a certificate	25
Application to modify a certificate	8
Application for a licence	25
Application to modify a licence	8

(2) In respect of an assessment under regulation 16(c) by an authorised veterinary surgeon exercising functions on behalf of the Welsh Ministers, the applicant must pay to the Welsh Ministers a fee calculated in accordance with paragraph (3).

(3) The fee referred to in paragraph (2) is—

- (a) £76 for the first half-hour or part thereof spent by an authorised veterinary surgeon on an assessment including time spent on associated documentation;
- (b) £21 for each additional half-hour or part thereof spent by an authorised veterinary surgeon on an assessment including time spent on associated documentation; and
- (c) the actual cost of travelling, accommodation and any other expenses reasonably incurred by the authorised veterinary surgeon.