
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

**The Animal Welfare (Licensing of Activities
Involving Animals) (Scotland) Regulations 2021**

PART 4

Enforcement and notices

Procedure for suspension or variation without consent

18.—(1) Except as otherwise provided in this regulation, the suspension or variation of a licence following a decision under regulation 17 has effect at the end of a period of 7 working days beginning with the date on which notice of the decision is served on the licence holder or, if that date is not a working day, the next working day.

(2) If it is necessary to protect the welfare of an animal, the licensing authority may specify in the notice of its decision that the suspension or variation has immediate effect, in which case the suspension or variation will take effect on service of the notice.

(3) A decision to suspend or vary a licence must—

- (a) be notified by service of a notice on the licence holder,
- (b) state the licensing authority's grounds for suspension or variation,
- (c) state when it comes into effect,
- (d) specify measures that the licensing authority considers are necessary in order to remedy the grounds, and
- (e) explain the right of the licence holder to make representations in writing in accordance with paragraph (4) and give details of the person to whom such representations may be made and the date by the end of which they must be received.

(4) The licence holder may make representations in writing to the licensing authority which must be received by the licensing authority within 7 working days beginning with the date of service of notice of the decision under regulation 17 to suspend or vary the licence or, if that date is not a working day, the next working day.

(5) Except in relation to notices under paragraph (2), where a licence holder makes representations in writing which are received by the licensing authority within the period specified in paragraph (4), the suspension or variation is not to have effect unless the licensing authority, after considering the representations, suspends or varies the licence in accordance with paragraph (6)(a).

(6) Within 14 working days beginning with the date of receipt of any representations made in accordance with paragraph (5) or beginning with the next working day if the date of receipt is not a working day, the licensing authority must after considering the representations serve notice on the licence holder of a decision to—

- (a) suspend or vary the licence,
- (b) cancel its decision under regulation 17 to suspend or vary the licence,
- (c) confirm the suspension or variation of the licence under paragraph (2), or

- (d) reinstate the licence if it has been suspended, or cancel its variation if it has been varied, under paragraph (2).
- (7) Notice of a decision under paragraph (6) must—
 - (a) state the reasons for the decision, and
 - (b) where the decision is to vary or confirm the variation of a licence, give notice of the licence holder’s right of appeal to the sheriff and the period within which such an appeal may be brought under regulation 27.
- (8) Paragraph (9) applies if the licensing authority fails to comply with paragraph (6) or (7).
- (9) Where this paragraph applies, after 14 working days beginning with the date of receipt of any representations made in accordance with paragraph (4) or, if that date is not a working day, beginning with the next working day—
 - (a) a licence suspended under paragraph (2) is deemed to be reinstated,
 - (b) a licence varied under paragraph (2) is deemed to have effect as if it had not been so varied,
 - (c) a licence suspended under paragraph (6)(a) is deemed to be reinstated,
 - (d) a licence varied under paragraph (6)(a) is deemed to have effect as if it had not been so varied,
 - (e) a licence held by the licence holder which the licensing authority decided to suspend or vary under regulation 17 is to remain in force and not to be so suspended or varied, if it was not a licence suspended or varied under paragraph (2) or (6)(a).
- (10) Once a licence has been suspended for 28 days, the licensing authority must within the next 14 working days—
 - (a) decide to—
 - (i) reinstate it without varying it,
 - (ii) vary and reinstate it as varied, or
 - (iii) revoke it, and
 - (b) serve on the licence holder a notice of the decision.
- (11) If the licensing authority fails to comply with paragraph (10), the licence is deemed to have been reinstated without variation with immediate effect.
- (12) A licensing authority’s decision under paragraphs (6) or (10) has effect on service of the notice of the decision.