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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 606**

**The Welfare of Animals (Transport)  
(Scotland) Regulations 2006**

**PART 5**

Miscellaneous

**[<sup>F1</sup>Appeals**

**24B.**—(1) A person may appeal to the sheriff against—

- (a) a determination notified by the Scottish Ministers under regulation 21(4); or
- (b) a notice served by an inspector under regulation 22.

(2) An appeal under this regulation shall be made by way of summary application and shall be lodged with the sheriff clerk within the period of 28 days from the day on which the determination was notified or notice was served.

(3) On special cause being shown, the sheriff may hear an appeal under this regulation notwithstanding that it was not lodged within the time mentioned in paragraph (2).

(4) For the purposes of an appeal under this regulation, the sheriff may require the Scottish Ministers or the local authority to give reasons for the determination or notice, and the Scottish Ministers or the local authority must comply with such a requirement.

(5) The sheriff may uphold an appeal under this regulation only if the sheriff considers that the Scottish Ministers or the local authority—

- (a) erred in law;
- (b) based their determination or notice on any incorrect material fact;
- (c) acted contrary to natural justice; or
- (d) exercised their discretion in an unreasonable manner.

(6) In considering an appeal under this regulation, the sheriff may hear evidence by or on behalf of any party to the appeal.

(7) On upholding an appeal under this regulation, the sheriff may—

- (a) remit the case with the reasons for such decision to the Scottish Ministers or the local authority for reconsideration; or
- (b) reverse or modify the determination or notice of the Scottish Ministers or the local authority.

(8) On remitting a case under paragraph (7)(a), the sheriff may—

- (a) specify a date by which the reconsideration by the Scottish Ministers or the local authority must take place;

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**Changes to legislation:** There are currently no known outstanding effects for the The Welfare of Animals (Transport) (Scotland) Regulations 2006, Section 24B. (See end of Document for details)

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- (b) modify any procedural steps which otherwise would be required in relation to the matter by or under any enactment, Act of the Scottish Parliament and subordinate legislation made under an Act of the Scottish Parliament (including these Regulations).
- (9) The sheriff may include in the decision on an appeal under this regulation such order as to the expenses of the appeal as the sheriff thinks proper.
- (10) The decision of the sheriff is final.]

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**Textual Amendments**

- F1** Regs. 24A, 24B inserted (13.11.2009) by [The Welfare of Animals \(Transport\) \(Scotland\) Amendment Regulations 2009 \(S.S.I. 2009/339\)](#), regs. 1, **2(5)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Welfare of Animals (Transport) (Scotland) Regulations 2006, Section 24B.