

SCHEDULE 3

NATURAL HABITATS

Procedure on review

5.—(1) Where, on a review under paragraph 3 or 4, the Scottish Ministers decide to revoke or vary a permission granted, or having effect as if granted, under these Regulations, the Scottish Ministers shall serve notice on—

- (a) the owner;
- (b) any holder of the permission, or the part affected, as the case may be; and
- (c) any other person who, in the Scottish Ministers' opinion, will be affected by the revocation or variation,

informing them of their decision and specifying a period, being not less than 28 days from the date of the notice (“the specified period”), within which representations may be made to them.

(2) The Scottish Ministers shall also serve notice on any person or body from which scientific advice was obtained, informing them of their decision and inviting their representations within the specified period.

(3) If, within the specified period, a person on whom notice has been served under sub paragraph (1) so requires, the Scottish Ministers shall, before deciding whether to proceed with the revocation or variation, give—

- (a) to that person; and
- (b) to any other person or body on whom notice was served under that sub paragraph or sub paragraph (2),

an opportunity to make representations (whether in person or in writing) to a person appointed by the Scottish Ministers for that purpose.

(4) The Scottish Ministers shall decide, having regard, in particular, to—

- (a) any representations made in response to a notice served under sub paragraph (1) or (2); and
- (b) if applicable, the report of any person appointed pursuant to sub paragraph (3),

whether to proceed with the revocation or variation of the permission.

(5) The Scottish Ministers shall serve on any person on whom notice was served under sub-paragraph (1) or (2) notice of their decision under sub-paragraph (4) stating—

- (a) the main reasons for the decision; and
- (b) the main considerations on which the decision is based; and
- (c) that the decision may be challenged and the procedures for doing so.