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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 85**

**The Aquatic Animal Health (Scotland) Regulations 2009**

**PART 6**

**ENFORCEMENT, APPEALS AND PENALTIES**

**Appeals**

- 40.**—(1) A person may appeal to the competent authority against any of the following—
- (a) refusal to grant an authorisation under regulation 8;
  - (b) any condition to which an authorisation is subject;
  - (c) any amendment made to an authorisation under regulation 9 or any decision not to grant an amendment under that regulation;
  - (d) suspension or revocation of an authorisation under regulation 10 or 11;
  - (e) service of an enforcement notice under regulation 39.
- (2) An appellant may within 21 days beginning with the date on which the relevant event occurs, serve the competent authority with a written notice that the appellant wishes to—
- (a) appear before and be heard by an independent person appointed by the competent authority; or
  - (b) provide written representations to the competent authority.
- (3) Where an appellant gives notice under paragraph (2)(a)—
- (a) the competent authority must appoint an independent person to hear representations and specify a time limit within which representations to that person must be made;
  - (b) if the appellant so requests, the hearing must be in public;
  - (c) the person appointed must report to the competent authority; and
  - (d) if the appellant so requests, the competent authority must provide a copy of the appointed person's report to the appellant.
- (4) Where an appellant provides written representations under paragraph (2)(b)—
- (a) the competent authority must appoint an independent person to consider the representations; and
  - (b) the requirements in paragraph (3)(c) and (d) apply.
- (5) The competent authority must give the appellant written notice of its final decision and the reasons for it.