

SCOTTISH STATUTORY INSTRUMENTS

2015 No. 103

**The Alien and Locally Absent Species in
Aquaculture (Scotland) Regulations 2015**

**PART 2
PERMITS**

Permits

- 4.—(1) A permit—
- (a) must be in writing;
 - (b) must be identifiable by reference to a unique number;
 - (c) must specify the duration for which it is issued;
 - (d) must specify the species to which it applies;
 - (e) must specify the aquaculture facility into which the movement is permitted;
 - (f) must specify the monitoring period where the competent authority considers that a monitoring period longer than the period of 2 years prescribed in Article 18(1) of Council Regulation 708/2007 is required; and
 - (g) may be made subject to such conditions as the competent authority considers appropriate.
- (2) Where the competent authority refuses to grant a permit, or grants it subject to conditions, it must—
- (a) notify the applicant in writing;
 - (b) send with the notification the reasons for its decision; and
 - (c) inform the applicant in writing of the right of appeal under regulation 8.

Commencement Information

II [Reg. 4](#) in force at 3.4.2015, see [reg. 1\(1\)](#)

Amendment of permit

- 5.—(1) The competent authority may amend a permit or any condition imposed by a permit.
- (2) The amendment may be made—
- (a) on the initiative of the competent authority; or
 - (b) on the application in writing by the permit holder.
- (3) An application under paragraph (2)(b) must be in such form and contain such information as the competent authority may reasonably require.
- (4) The competent authority must serve written notice on the permit holder which must include—

- (a) the amendment or any decision not to make the amendment;
- (b) the reasons for making the amendment or any decision not to make it;
- (c) the date on which the amendment is to take effect; and
- (d) information on the right of appeal under regulation 8.

Commencement Information

I2 [Reg. 5](#) in force at 3.4.2015, see [reg. 1\(1\)](#)

Suspension of permits

6.—(1) The competent authority may suspend a permit by serving the permit holder with written notice where it considers that the permit holder has not complied with, is not complying with, or is not likely to comply with any condition of the permit or any provision of Council Regulation 708/2007 or these Regulations.

(2) The notice must include—

- (a) the date on which the suspension is to take place and its duration;
- (b) the reasons for the suspension; and
- (c) information on the right of appeal under regulation 8.

(3) The notice may include a direction requiring the removal and disposal of any aquatic organism to which the permit relates in such manner as may be specified in the notice.

Commencement Information

I3 [Reg. 6](#) in force at 3.4.2015, see [reg. 1\(1\)](#)

Revocation of permits

7.—(1) The competent authority may revoke a permit by serving the permit holder with written notice where it considers that the permit holder has not complied with, is not complying with, or is not likely to comply with any condition of the permit or any provision of Council Regulation 708/2007 or these Regulations.

(2) The notice must include—

- (a) the date on which the revocation is to take place;
- (b) the reasons for the revocation; and
- (c) information on the right of appeal under regulation 8.

(3) The notice may include a direction requiring the removal and disposal of any aquatic organism to which the permit relates in such manner as may be specified in the notice.

Commencement Information

I4 [Reg. 7](#) in force at 3.4.2015, see [reg. 1\(1\)](#)

Appeal of decision of the competent authority

8.—(1) A person (“the appellant”) may appeal to the competent authority against any of the following notices by complying with one of the requirements in paragraph (2) within 21 days from the date on which the notice was served:—

- (a) a notice served under regulation 4(2) (refusal of permit or grant of permit subject to conditions);
- (b) a notice served under regulation 5(4) (amendment of permit);
- (c) a notice served under regulation 6(1) (suspension of permit); or
- (d) a notice served under regulation 7(1) (revocation of permit).

(2) The requirements are—

- (a) to make written representations to the competent authority; or
- (b) to serve on the competent authority written notice that the permit holder wishes to appear before and be heard by an independent person appointed by the competent authority.

(3) Where paragraph (2)(a) applies—

- (a) the competent authority must appoint an independent person to consider the representations;
- (b) that person must consider the representations and provide a report to the competent authority; and
- (c) if the appellant requests the competent authority must provide a copy of that report.

(4) Where paragraph (2)(b) applies—

- (a) the competent authority must appoint an independent person to hear representations (“the appointed person”) and specify a time limit within which representations must be made;
- (b) if the appellant requests, the hearing must be in public;
- (c) the appointed person must consider the representations and provide a report to the competent authority; and
- (d) if the appellant requests, the competent authority must provide a copy of the appointed person’s report.

(5) The competent authority must serve the appellant with a written notice of its final decision and the reasons for reaching that decision.

(6) Where an appeal is made against a notice specified in paragraph (1)(c) or (d), the notice has no effect until the final decision of the competent authority on the appeal or the withdrawal of the appeal.

(7) But paragraph (6) does not apply where the notice subject to appeal includes a statement that, in the opinion of the competent authority, there is an imminent risk of adverse effects to biodiversity or an imminent threat to aquatic organisms, habitats or ecosystems.

Commencement Information

I5 Reg. 8 in force at 3.4.2015, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Alien and Locally Absent Species in Aquaculture (Scotland) Regulations 2015, PART 2.