

---

STATUTORY INSTRUMENTS

---

**2013 No. 2996**

**The Food Safety and Hygiene (England) Regulations 2013**

**Revocation and suspension of designations and appointments**

- 28.**—(1) Subject to paragraphs (2) and (3), the Agency may at any time revoke or suspend —
- (a) the appointment of an official veterinarian;
  - (b) the designation of an approved veterinarian; or
  - (c) the appointment of an official auxiliary,

if it appears to the Agency that the person in question is unfit to perform any of the functions of that post under the Hygiene Regulations.

(2) Where the Agency revokes or suspends a designation or appointment under paragraph (1), the Agency shall, as soon as practicable, give to the person whose designation or appointment has been revoked or suspended a notice in writing of the reasons for the revocation or suspension and shall afford them an opportunity of —

- (a) making representations in writing to the Agency with regard to the revocation or suspension; or
  - (b) being heard by a person nominated by the Agency for the purpose pursuant to sub-paragraph (a) of paragraph (5).
- (3) A notice given under paragraph (2) shall inform the person to whom it is given —
- (a) of their right to make representations in writing;
  - (b) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made;
  - (c) of their right to be heard; and
  - (d) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which they may apply for an opportunity to be heard.

(4) In the event of the person whose designation or appointment has been revoked or suspended making any representations (whether orally or in writing) under paragraph (3) the Agency must reconsider whether that person is unfit to perform any of the functions of the post held by them under the Hygiene Regulations and shall, as soon as practicable, reconsider its decision to revoke or suspend the designation or appointment under paragraph (1) in the light of those representations.

(5) Where a person requests the opportunity to be heard pursuant to sub-paragraph (b) of paragraph (2) —

- (a) the Agency must nominate a person to determine the matter from the list established under paragraph (6);
- (b) the person so nominated must serve a notice on the person who requested the opportunity to be heard and the Agency, informing them of the time (not being less than 21 days from the giving of the notice) of the hearing; and
- (c) the person so nominated must, within 21 days of the hearing, notify the person who requested the opportunity to be heard and the Agency of the result of the determination.

(6) The Agency must establish and maintain a list of people who may be nominated for the purposes of this regulation and consult those organisations appearing to it to represent official veterinarians, approved veterinarians and official auxiliaries before including any person on the list.

**Changes to legislation:**

There are currently no known outstanding effects for the The Food Safety and Hygiene (England) Regulations 2013, Section 28.