
STATUTORY INSTRUMENTS

1997 No. 1840

The Fire Precautions (Workplace) Regulations 1997

PART IV

ENFORCEMENT AND OFFENCES

Enforcement notices: rights of appeal

14.—(1) A person on whom an enforcement notice is served may, within 21 days from the day on which the enforcement notice is served, appeal to the court.

(2) Subject to paragraph (3), on an appeal under this regulation the court may either cancel or affirm the enforcement notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(3) Where a fire authority have served an enforcement notice on a person without having first given him an opportunity to make representations under regulation 13(3), the court shall cancel the enforcement notice if it is of the view that—

- (a) no reasonable fire authority could have concluded that the risk to employees in case of fire was so serious that the issuing of an enforcement notice could not be delayed; and
- (b) the person on whom the notice has been served has been materially prejudiced by the failure to afford him the opportunity to make representations.

(4) Where an appeal is brought under this regulation against an enforcement notice, the bringing of the appeal shall not have the effect of suspending the operation of the notice unless, on the application of the appellant, the court so directs (and then only from the giving of the direction).

(5) In this regulation “the court” means—

- (a) in England and Wales, a magistrates' court acting for the petty sessions area in which any relevant workplace is situated; and
 - (b) in Scotland, the sheriff within whose jurisdiction any relevant workplace is situated,
- and for this purpose a “relevant workplace” is a workplace in respect of which the enforcement notice was served, other than a workplace covered by the notice by virtue of regulation 13(2).

(6) An appeal to the sheriff under this regulation shall be by summary application.