



Public Health (Wales) Act 2017

2017 anaw 2

PART 4

SPECIAL PROCEDURES

Appeals against stop notices and remedial action notices

81 Appeals

- (1) A person (“P”) may appeal to a magistrates’ court—
 - (a) against notice given to P under section 77;
 - (b) against notice given to P under section 78 or 79;
 - (c) if P is given notice under section 80(5), against the refusal of P’s application for a completion certificate.
- (2) An appeal is to be made within the period of 21 days beginning with the date of the notice concerned.
- (3) An appeal is to be by way of complaint for an order, and in accordance with the [Magistrates’ Courts Act 1980 \(c.43\)](#).
- (4) For the purposes of the time limit for making an appeal, the making of the complaint is to be treated as the making of the appeal.
- (5) On an appeal, the magistrates’ court may—
 - (a) confirm the notice or refusal;
 - (b) in the case of an appeal against a notice given to P under section 77, 78 or 79, quash or vary the notice;
 - (c) in the case of an appeal against a refusal of an application for a completion certificate, quash the refusal;
 - (d) in any case, remit the case to the local authority to dispose of in accordance with directions given by the court;and may make such order as to costs as it thinks fit.

Status: This is the original version (as it was originally enacted).

- (6) Where on an appeal under this section a magistrates' court quashes or varies a notice given to P by a local authority, or quashes the refusal of an application for a completion certificate, it may order the local authority to compensate P for loss suffered as the result of the service of the notice or (as the case may be) the refusal.
- (7) An appeal by either party against the decision of a magistrates' court on an appeal under this section may be brought to the Crown Court.
- (8) On an appeal to the Crown Court, the Crown Court may—
 - (a) confirm, vary or reverse the magistrates' court's decision;
 - (b) remit the case to the magistrates' court or the local authority to dispose of in accordance with directions given by the Crown Court.
- (9) The bringing of an appeal under this section against a notice given by a local authority does not suspend the effect of the notice.