



UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021

2021 asp 4

PART 2

ENVIRONMENT

CHAPTER 2

ENVIRONMENTAL GOVERNANCE

Compliance notices

36 Appeal against a compliance notice

- (1) A public authority to whom a compliance notice has been issued may appeal to a sheriff against Environmental Standards Scotland's decision to issue the notice on the ground that—
- (a) it has not conducted itself in the manner alleged in the notice,
 - (b) the alleged conduct specified in the notice does not constitute—
 - (i) a failure to comply with environmental law, or
 - (ii) a failure to comply with environmental law in circumstances that make it likely that the failure will continue or be repeated, or
 - (c) the alleged failure to comply with environmental law specified in the notice is not causing, or has not caused, environmental harm or a risk of environmental harm.
- (2) An appeal under this section—
- (a) must be made before the expiry of the period of 21 days beginning with the date of issue of the notice (“the 21-day period”), but
 - (b) may be made later with the sheriff's permission.

Changes to legislation: There are currently no known outstanding effects for the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Section 36. (See end of Document for details)

- (3) The sheriff may give permission under subsection (2)(b) for an appeal to be made after the expiry of the 21-day period only if the sheriff is satisfied that the public authority has a good reason for not making the appeal before the expiry of that period.
- (4) In determining an appeal under this section, the sheriff may—
 - (a) cancel the compliance notice, or
 - (b) confirm the notice, either with or without modifications.
- (5) Where an appeal is made under this section, the period mentioned in section 33(1)(d) is suspended until the appeal is finally determined or is withdrawn.

Commencement Information

II S. 36 in force at 1.10.2021 by S.S.I. 2021/304, reg. 2(a)

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