

SCHEDULE 5

Regulation 19

Procedure on Appeals

1.—(1) An operator of a scheme who wishes to appeal to the Planning Appeals Commission under regulation 18 shall do so by notice in writing given or sent to the Planning Appeals Commission.

(2) The notice shall be accompanied by—

- (a) a statement of the grounds of appeal;
- (b) where the appeal relates to refusal of registration under regulation 16, a copy of the appellant's application and any supporting documents;
- (c) where the appeal relates to cancellation of registration under regulation 17(1), a copy of the notification of the decision and any supporting documents;
- (d) a copy of any correspondence relevant to the appeal;
- (e) a copy of any other document relevant to the appeal; and
- (f) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or to be determined on the basis of written representations.

(3) The appellant shall serve a copy of his notice of appeal on the Department together with copies of the documents mentioned in sub-paragraph (2).

2. Notice of appeal shall be given before the expiry of the period of six months beginning with the date of the decision which is the subject of the appeal.

3. Where under regulation 19(1) the appeal is by way of a hearing, the person hearing the appeal shall make a written report to the Planning Appeals Commission which shall include his conclusions and recommendations or his reasons for not making any recommendations.

4.—(1) The Planning Appeals Commission upon determining an appeal shall notify the appellant in writing of its decisions and of its reasons.

(2) If the Planning Appeals Commission determines an appeal after a hearing under regulation 19(1) it shall provide the appellant with a copy of any report made to it under paragraph 3.

(3) The Planning Appeals Commission upon determining an appeal shall, at the same time as notifying the appellant of its decision, sent the Department a copy of any document sent to the appellant.