



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART I

#### INTEGRATED POLLUTION CONTROL AND AIR POLLUTION CONTROL BY LOCAL AUTHORITIES

##### *Enforcement*

#### **15 Appeals as respects authorisations and against variation, enforcement and prohibition notices.**

<sup>F1</sup>(1) The following persons, namely—

- (a) a person who has been refused the grant of an authorisation under section 6 above;
- (b) a person who is aggrieved by the conditions attached, under any provision of this Part, to his authorisation;
- (c) a person who has been refused a variation of an authorisation on an application under section 11 above;
- (d) a person whose authorisation has been revoked under section 12 above;

may appeal against the decision of the enforcing authority to the Secretary of State (except where the decision implements a direction of his).

(2) A person on whom a variation notice, an enforcement notice or a prohibition notice is served may appeal against the notice to the Secretary of State [<sup>F2</sup>(except where the notice implements a direction of his)].

<sup>F3</sup>(3) This section is subject to section 114 of the Environment Act 1995 (delegation or reference of appeals etc).]

(4) An appeal under this section shall, if and to the extent required by regulations under subsection (10) below, be advertised in such manner as may be prescribed by regulations under that subsection.

<sup>F4</sup>(5) Before determining an appeal under this section, the Secretary of State may, if he thinks fit—

*Status: Point in time view as at 01/04/2015.*

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- (a) cause the appeal to take or continue in the form of a hearing (which may, if the person hearing the appeal so decides, be held, or held to any extent, in private); or
  - (b) cause a local inquiry to be held;
- and the Secretary of State shall act as mentioned in paragraph (a) or (b) above if a request is made by either party to the appeal to be heard with respect to the appeal.]
- (6) On determining an appeal against a decision of an enforcing authority under subsection (1) above, the Secretary of State—
- (a) may affirm the decision;
  - (b) where the decision was a refusal to grant an authorisation or a variation of an authorisation, may direct the enforcing authority to grant the authorisation or to vary the authorisation, as the case may be;
  - (c) where the decision was as to the conditions attached to an authorisation, may quash all or any of the conditions of the authorisation;
  - (d) where the decision was to revoke an authorisation, may quash the decision;
- and where he exercises any of the powers in paragraphs (b), (c) or (d) above, he may give directions as to the conditions to be attached to the authorisation.
- (7) On the determination of an appeal under subsection (2) above the Secretary of State may either quash or affirm the notice and, if he affirms it, may do so either in its original form or with such modifications as he may in the circumstances think fit.
- (8) Where an appeal is brought under subsection (1) above against the revocation of an authorisation, the revocation shall not take effect pending the final determination or the withdrawal of the appeal.
- (9) Where an appeal is brought under subsection (2) above against a notice, the bringing of the appeal shall not have the effect of suspending the operation of the notice.
- (10) Provision may be made by the Secretary of State by regulations with respect to appeals under this section and in particular—
- (a) as to the period within which and the manner in which appeals are to be brought; and
  - (b) as to the manner in which appeals are to be considered.<sup>[F5]</sup>and any such regulations may make different provision for different cases or different circumstances.]]

#### Textual Amendments

- F1** Ss. 1-28 repealed (1.4.2015 for S. for the repeal of ss. 1-19, 22-28) by [Pollution Prevention and Control Act 1999 \(c. 24\)](#), s. 7(3), [Sch. 3](#) (with s. 7(7)); S.S.I. 2015/74, art. 2(2)(b)
- F2** Words in s. 15(2) inserted (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 54\(2\)](#) (with ss. 7(6), 115); S.I. 1996/186, [art.3](#)
- F3** S. 15(3) substituted (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 54\(3\)](#) (with ss. 7(6), 115); S.I. 1996/186, [art.3](#)
- F4** S. 15(5) substituted (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 54\(4\)](#) (with ss. 7(6), 115); S.I. 1996/186, [art.3](#)
- F5** Words in s. 15(10) added (1.4.1996) by virtue of 1995 c. 25, s. 120(1), [Sch. 22 para. 54\(5\)](#) (with ss. 7(6), 115); S.I. 1996/186, [art.3](#)

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**Modifications etc. (not altering text)**

- C1** S. 15: Power to delegate functions conferred (1.4.1996) by 1995 c. 25, s. 114(2)(a)(iii)(with ss. 7(6), 115); S.I. 1996/186, art.3  
S. 15 applied (12.4.1999) by S.I. 1999/743, reg. 21(4), Sch. 8 para. 14

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