

SCHEDULE 4

Appeals procedure

PART 1

Procedure for appeals against determinations made, and enforcement and penalty notices issued, by the Scottish Environment Protection Agency

1. This Part applies to appeals against determinations made, and enforcement and penalty notices issued, by the Scottish Environment Protection Agency.
2. The Scottish Ministers must appoint an independent person to hear appeals on behalf of the appeal body.
3. A person who wishes to appeal to the Scottish Ministers under regulation 48(1) must give them written notice of the appeal together with a statement of the grounds of appeal.
4. The Scottish Ministers must as soon as is reasonably practicable send a copy of that notice and statement to the Scottish Environment Protection Agency.
5. An appellant may withdraw an appeal by notifying the Scottish Ministers who must, as soon as is reasonably practicable, notify the Scottish Environment Protection Agency accordingly.
6. Notice of appeal in accordance with paragraph 3 is to be given before the expiry of the period of 28 [^{F1}days] (or where that period expires on a day other than a working day, by no later than the next working day) after the date of the determination, or the date of service of the enforcement notice or penalty notice (as the case may be).

Textual Amendments

- F1** Word in Sch. 4 para. 6 inserted (26.10.2015) by [The Energy Savings Opportunity Scheme \(Amendment\) Regulations 2015 \(S.I. 2015/1731\)](#), regs. 1, 2(4)(a)

7. The standard of proof to be applied by the Scottish Ministers in determining an appeal is proof on the balance on probabilities.

Changes to legislation:

There are currently no known outstanding effects for the The Energy Savings Opportunity Scheme Regulations 2014, PART 1.