
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 29

The Industrial Pollution Control (Applications, Appeals and Registers) Regulations (Northern Ireland) 1998

Action upon receipt of notice of appeal

12.—(1) Subject to paragraph (5), the enforcing authority shall within 14 days of receipt of the copy of the notice of appeal in accordance with regulation 10(1)—

- (a) in the case of an appeal by a person in respect of a decision of an enforcing authority to revoke an authorisation or on whom a variation notice, an enforcement notice or a prohibition notice is served, give written notice of it to any person who appears to the enforcing authority likely to have a particular interest in the subject-matter of the appeal; and
- (b) in any other case given written notice of it—
 - (i) to any person who made representations to the authority with respect to the grant or variation of the authorisation; and
 - (ii) to any person who was required to be consulted on the application under paragraph 2 or 7 of Schedule 1 pursuant to regulation 5(1).

(2) A notice under paragraph (1) shall—

- (a) state that an appeal has been lodged;
- (b) give the name of the appellant and—
 - (i) where the prescribed process will not be carried on by means of mobile plant, the address of the premises where the prescribed process will be carried on;
 - (ii) where the prescribed process will be carried on by means of mobile plant, the address of his principal place of business;
- (c) describe the application or authorisation to which the appeal relates;
- (d) state that representations with respect to the appeal may be made to the Department in writing by any recipient of the notice within a period of 21 days beginning with the date of the notice; and that copies of any representations so made will be furnished to the appellant and to the enforcing authority;
- (e) explain that any such representations made by any person will be entered in a public register unless that person requests in writing that they should not be so placed, and that where such a request is made there will be included in the register a statement indicating only that representations have been made which have been the subject of such a request;
- (f) state that if a hearing is to be held wholly or partly in public a person mentioned in paragraph (1)(a) or (b)(i) will be notified of the date of the hearing.

(3) The enforcing authority shall, within 14 days of sending a notice under paragraph (1), notify the Department of the persons to whom and the date on which the notice was sent.

(4) In the event of an appeal being withdrawn, the enforcing authority shall give written notice of the withdrawal to every person to whom notice was given under paragraph (1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) The provisions of this regulation do not apply in the case of an appeal brought under Article 22(5) of the Order.