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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 435**

**Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) Regulations (Northern Ireland) 2001**

**Reinstatement**

24.—(1) Where it appears to the Department that an offence has been committed under regulation 19, 20 or 21 it may serve a notice (“a reinstatement notice”) upon the person who appears to it to be responsible for committing the offence requiring that person to reinstate, to the Department’s satisfaction, the relevant land to the condition it was in before the work to which the offence relates was commenced and specifying the period within which the reinstatement is required to be carried out.

(2) Where the Department cannot determine with reasonable accuracy the condition of the relevant land before any work carried out in relation to it was commenced or where it is not possible to return the relevant land to the same condition it was in before the work commenced, the reinstatement notice shall impose such requirements for the purposes of reinstatement as shall, in the opinion of the Department (after consultation with such of the consultation bodies as it thinks fit), be reasonable in the circumstances.

(3) A person (in this regulation referred to as an appellant) served with a notice under paragraph (1) may, within twenty-one days from the date on which the notice is served on him, appeal to the Magistrates Court by way of complaint for an order on any of the following grounds:—

- (a) that the notice or any requirement in the notice is not within the power conferred by this regulation;
- (b) that there has been some material informality, defect or error in, or in connection with, the notice; or
- (c) that any of the requirements of the notice are unreasonable.

(4) An appellant shall, at the same time as he makes a complaint under paragraph (3), deposit with the Magistrates Court a notice stating his name and address and the grounds on which the appeal is made and shall serve a copy of the notice on the Department.

(5) On receipt of a notice under paragraph (4), the Magistrates Court may give, vary or revoke directions for the conduct of proceedings, including—

- (a) the timetable for the proceedings;
- (b) the submission of evidence; and
- (c) the order of speeches.

(6) For the purposes of the time limit for the bringing of an appeal under this regulation, the making of the complaint shall be treated as the bringing of the appeal.

(7) The Magistrates Courts (Northern Ireland) Order 1981(1) shall apply to any appeal under this regulation.

(8) Where an appeal is made in accordance with this regulation, the reinstatement notice to which it relates shall be of no effect pending the final determination or abandonment of the appeal.

(9) Any party to the proceedings of a Magistrates Court in which a decision is made in accordance with this regulation may appeal against that decision to the High Court.

(10) If any person, without reasonable excuse, fails to comply with any requirement of a reinstatement notice served under paragraph (1) he shall be guilty of an offence and liable on summary conviction—

- (a) to a fine not exceeding level 5 on the standard scale; and
- (b) if the failure is continued after conviction, to a further fine not exceeding one twentieth of the maximum available for the substantive offence for every day on which the failure is so continued.