
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 206

**The Biocidal Products and Chemicals
(Appointment of Authorities and Enforcement)
Regulations (Northern Ireland) 2013**

PART 3

CHAPTER 1

BIOCIDAL PRODUCTS

Appeal

13.—(1) Subject to paragraphs (3) and (4), a person (“P”) may appeal to the Department if P is aggrieved by a decision of the competent authority under any Article of the Biocides Regulation listed in paragraph (2).

(2) The decisions referred to in paragraph (1) are—

- (a) to stipulate conditions in an authorisation under Article 22(1);
- (b) to issue a prohibition or restriction under Article 23(3);
- (c) not to grant an authorisation under Article 26(3);
- (d) not to grant an authorisation under Article 30;
- (e) not to renew an authorisation under Article 31;
- (f) to refuse to grant an authorisation under Article 37(4);
- (g) not to grant an authorisation under Article 39(2);
- (h) to cancel or amend an authorisation under Article 48;
- (i) not to cancel an authorisation under Article 49;
- (j) not to amend an authorisation under Article 50;
- (k) not to grant a parallel trade permit under Article 53(1);
- (l) to withdraw a parallel trade permit under Article 53(8);
- (m) not to issue or not to extend a provisional authorisation under Article 55(2);
- (n) to prohibit, or impose conditions on, a test or experiment under Article 56(3);
- (o) not to allow P to refer to data provided by a previous applicant under Article 64(1);
- (p) to refuse access to information under Article 66(2); or
- (q) to refuse a request under Article 66(4) that information not be made available.

(3) Paragraph (1) shall not apply where the decision of the competent authority in question is made to give effect to a Commission decision.

(4) P may only appeal a decision under paragraph (1) where—

- (a) in relation to paragraph 2(a) to (g), (j), (m) and (o), the decision relates to an application by P, or by someone on behalf of P;
 - (b) in relation to paragraph 2(h) and 2(l), the decision relates to an authorisation or permit held by P;
 - (c) in relation to paragraph 2(n), the decision relates to a notification to the competent authority by P, or by someone on behalf of P; and
 - (d) in relation to paragraph 2(i), (k) and (q), the decision relates to a request made by P, or by someone on behalf of P.
- (5) Chapter I of the Schedule to the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997⁽¹⁾ shall apply where P appeals to the Department.
- (6) Where an appeal is brought in respect of a decision under paragraph (2)(h), the decision in question shall be suspended pending the final determination of the appeal.
- (7) Where an appeal is brought under paragraph (2)(q), pending final determination of the appeal, the competent authority shall not disclose the information except to the Commission or another competent authority, or otherwise to the extent necessary to enable the appeal to be dealt with.

(1) [S.R. 1997 No.269](#), as amended by Constitutional Reform Act 2005 (c.4)