
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 143

**The Business Improvement Districts (General)
Regulations (Northern Ireland) 2014**

Appeal against veto

10.—(1) A person (“the appellant”) who wishes to appeal against a veto under section 10(1) of the Act shall serve on the Department, within 28 days of the veto notice being given by the district council under section 9(2) of the Act, a notice in writing (“the appeal notice”) accompanied by a statement of the reasons for which the appeal is made.

(2) On receipt of the appeal notice the Department shall—

- (a) notify the appellant and the district council in writing that it has received the appeal notice; and
- (b) send a copy of the appeal notice to the district council.

(3) Where two or more appeal notices relate to the same veto, the Department may decide those appeals together.

(4) The appeal shall be determined by way of written representations to be made to the Department.

(5) Within 28 days of the date of the notice given by the Department under paragraph (2), the appellant and the district council may serve on the Department written representations in respect of the appeal.

(6) A copy of the representation made by one party to the appeal shall be sent by the Department to the other parties to the appeal and shall be accompanied by a statement explaining the effect of paragraph (7).

(7) Any party to an appeal to whom a copy of representations is sent under paragraph (6) may within 14 days of receiving them serve on the Department further written representations in reply, the Department shall send a copy of any such further representations to the other parties to the appeal, and then no further written representations shall be allowed.

(8) In deciding whether to allow an appeal, the Department shall take into account the following matters—

- (a) the level of support (as evidenced by the result of the BID ballot or re-ballot, as the case may be) for the BID proposals, where such information is available;
- (b) the nature and extent of the conflicts referred to in regulation 4 of the 2014 (Miscellaneous) Regulations;
- (c) the structure of the proposed BID levy and how the financial burden of the business improvement district is to be distributed amongst ratepayers in the geographical area of the business improvement district;
- (d) how the financial burden of the business improvement district may have been disproportionately distributed among ratepayers as a result of the selection of the geographic area or areas of the business improvement district;

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- (e) the extent to which the BID proposer discussed the BID proposals with the district council before submitting the BID proposals to the council under regulation 5;
 - (f) whether, after the date on which the notice pursuant to regulation 5(2)(a)(ii) is received, the district council changed any policy formally adopted by and contained in a document published by the council so that such policy then conflicted with the BID proposals; and
 - (g) the cost incurred by any person in developing the BID proposals and canvassing in relation to the BID proposals.
- (9) As soon as reasonably practicable after a decision has been made, the Department shall send notice of their decision in writing to the appellant and the district council.