

*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Scrap Metal Dealers Act 2013, Cross Heading: Appeals. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1 **E+W**

#### FURTHER PROVISION ABOUT LICENCES

##### *Appeals*

- 9 (1) An applicant may appeal to a magistrates' court against the refusal of an application made under paragraph 2 or 3.
- (2) A licensee may appeal to a magistrates' court against—
- (a) the inclusion in a licence of a condition under section 3(8), or
  - (b) the revocation or variation of a licence under section 4.
- (3) An appeal under this paragraph is to be made within the period of 21 days beginning with the day on which notice of the decision to refuse the application, to include the condition, or to revoke or vary the licence under section 4, was given.
- (4) The procedure on an appeal under this paragraph is to be by way of complaint for an order and in accordance with the Magistrates' Courts Act 1980.
- (5) For the purposes of the time limit for making an appeal under this paragraph, the making of the complaint is to be treated as the making of the appeal.
- (6) On an appeal under this paragraph, the magistrates' court may—
- (a) confirm, vary or reverse the authority's decision, and
  - (b) give such directions as it considers appropriate having regard to the provisions of this Act.
- (7) The authority must comply with any directions given by the magistrates' court under sub-paragraph (6).
- (8) But the authority need not comply with any such directions—
- (a) until the time for making an application under section 111 of the Magistrates' Courts Act 1980 (application by way of case stated) has passed, or
  - (b) if such an application is made, until the application is finally determined or withdrawn.

#### **Commencement Information**

**II** Sch. 1 para. 9 in force at 1.10.2013 by S.I. 2013/1966, art. 3(u)

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