
STATUTORY INSTRUMENTS

2004 No. 2443

**The Business Improvement Districts
(England) Regulations 2004**

Appeal against veto

13.—(1) A person (“the appellant”) who wishes to appeal against a veto under section 52(1) of the Act shall serve on the Secretary of State, within 28 days of the veto notice being given by the relevant billing authority under section 51(4) 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 Secretary of State shall—

- (a) notify the appellant and the relevant billing authority, in writing, that he has received the appeal notice; and
- (b) send a copy of the appeal notice to the relevant billing authority.

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

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

(5) Within 28 days of the date of the notice given by the Secretary of State under paragraph (2), the appellant and the relevant billing authority may serve on the Secretary of State written representations in respect of the appeal.

(6) A copy of the representations made by one party to the appeal shall be sent by the Secretary of State 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 Secretary of State further written representations in reply and the Secretary of State shall send a copy of any such further representations to the other parties to the appeal.

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

- (a) the level of support (as evidenced by the result of the BID ballot or re-ballot of a BID ballot, as the case may be) for the BID proposals;
- (b) the nature and extent of the conflict referred to in paragraph (1)(a) of regulation 12;
- (c) in relation to paragraph (1)(b) of regulation 12, the structure of the proposed BID levy and how the financial burden of the BID is to be distributed amongst ratepayers in the geographical area of the BID;
- (d) the extent to which the BID proposer discussed the BID proposals with the authority before submitting the BID proposals to the authority under regulation 4;
- (e) whether, after the date on which the notice pursuant to regulation 4(2)(a)(ii) is received, the relevant billing authority changed any policy formally adopted by and contained in

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a document published by the authority so that such policy then conflicted with the BID proposals; and

- (f) the cost incurred by any person up to the end of the period prescribed in regulation 12(2) 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 Secretary of State shall send notice of his decision in writing to the appellant and the relevant billing authority.