

STATUTORY INSTRUMENTS

2015 No. 310

The Fluorinated Greenhouse Gases Regulations 2015

PART 4

Enforcement

Appeals against enforcement notices [^{F1}etc.]

26.—(1) A person who is aggrieved by an enforcement notice may appeal against it.

(2) [^{F2}Except in the case of an appeal mentioned in paragraph (2A), the right] of appeal is to a magistrates' court or, in Scotland, to the sheriff.

[^{F3}(2A) Schedule 5 sets out the procedure for an appeal against an enforcement notice, a civil penalty notice or an enforcement cost recovery notice, served by the Secretary of State, the Environment Agency, the Scottish Ministers or SEPA.]

(3) The procedure on appeal to a magistrates' court is—

- (a) in England and Wales, by way of complaint, and the Magistrates' Courts Act 1980 ^{M1} applies to the proceedings;
- (b) in Northern Ireland, by way of notice, and Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981 ^{M2} applies to the proceedings.

^{F4}(4)

(5) An appeal must be brought by no later than 28 days after the date on which the enforcement notice is served.

(6) An enforcement notice is not suspended pending an appeal unless the court or sheriff orders otherwise.

[^{F5}(7) The grounds for an appeal brought under this regulation are that a decision to serve the enforcement notice was—

- (a) based on an error of fact;
- (b) wrong in law;
- (c) wrong for any other reason;
- (d) unreasonable.]

Textual Amendments

- F1** Word in [reg. 26](#) heading inserted (E.S.) (1.4.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **21(2)**
- F2** Words in [reg. 26\(2\)](#) substituted (E.S.) (1.4.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **21(3)**
- F3** [Reg. 26\(2A\)](#) inserted (E.S.) (1.4.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **21(4)**

Changes to legislation: *There are currently no known outstanding effects for the The Fluorinated Greenhouse Gases Regulations 2015, Section 26. (See end of Document for details)*

- F4** Reg. 26(4) omitted (1.4.2018) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **21(5)**
- F5** Reg. 26(7) inserted (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **21(6)**
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Marginal Citations

- M1** 1980 c. 43.
- M2** [S.I. 1981/1675 \(N.I. 26\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Fluorinated Greenhouse Gases Regulations 2015, Section 26.