
STATUTORY INSTRUMENTS

2017 No. 1200

The Control of Mercury (Enforcement) Regulations 2017

PART 3

Enforcement specific to Northern Ireland

Further provision about appeals

24.—(1) A person (the “appellant”) who wishes to appeal to the appeals commission under regulation 20(8) or 22(10) must—

- (a) give the appeals commission written notice of the appeal (the “notice of appeal”),
- (b) pay the relevant fee (see paragraph (4)), and
- (c) as soon as is reasonably practicable, give DAERA a copy of the notice of appeal.

(2) A notice of appeal must include a statement of the grounds of the appeal.

(3) A notice of appeal must be given before the expiry of the period of 28 days beginning with the day on which the enforcement notice was given.

(4) The relevant fee is the amount specified in regulation 9(1) of the Planning Fees (Deemed Planning Applications and Appeals) Regulations (Northern Ireland) 2015(1).

(5) The appeals commission may determine that an appeal is to be determined solely by reference to written representations.

(6) The appellant and DAERA may make written representations to the appeals commission about its determination under paragraph (5).

(7) The appeals Commission must take any such representations into account in its determination under paragraph (5).

(8) A costs recovery notice which is the subject of an appeal is suspended pending the appeals commission’s decision on the appeal.

(9) An enforcement notice which is the subject of an appeal is not suspended pending the appeals commission’s decision on the appeal.

(10) The appellant may withdraw a notice of appeal by—

- (a) giving written notice to the appeals commission stating that the appeal is withdrawn, and
- (b) as soon as is reasonably practicable, notifying DAERA.

(11) The appeals commission may (in addition to its power to confirm, reverse or vary a determination under section 204 of the Planning Act (Northern Ireland) 2011))—

- (a) take any action DAERA is empowered to take in relation to the failure referred to in the notice;
- (b) remit any decision relating to the notice to DAERA.

(12) A determination of the appeals commission is final.

Status: *This is the original version (as it was originally made).*
