
STATUTORY INSTRUMENTS

2024 No. 45

The Biodiversity Gain Site Register Regulations 2024

PART 9

Appeals

Determination of appeal against decision not to make requested amendments

32.—(1) This regulation applies to an appeal under regulation 30(4) against a decision of the register operator not to make an amendment or amendments requested in an application referred to in regulation 17(1) (application to amend an entry in the biodiversity gain site register).

(2) Where, on an appeal to which this regulation applies, the First-tier Tribunal is satisfied that either of the grounds in paragraph (4) applies in relation to the register operator's decision not to make an amendment, it must quash the register operator's decision not to make the amendment and—

- (a) direct the register operator to make the amendment, or
- (b) direct the register operator to reconsider whether to make the amendment.

(3) Where, on an appeal to which this regulation applies, the First-tier Tribunal is not satisfied that either of the grounds in paragraph (4) applies in relation to the register operator's decision not to make an amendment, it must confirm the register operator's decision not to make the amendment.

(4) The grounds referred to in paragraphs (2) and (3) are—

- (a) that the register operator's decision was based, wholly or partly, on an error of fact;
- (b) that the register operator's decision was wrong in law.