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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1312**

**The Business Improvement Districts (Wales) Regulations 2005**

**Appeal against veto**

**13.**—(1) A person (“the appellant”) who wishes to appeal against a veto under section 52(1) of the Act must serve on the National Assembly, 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 making the appeal.

(2) On receipt of the appeal notice the National Assembly must —

- (a) notify the appellant and the relevant billing authority in writing that it 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 National Assembly may decide those appeals together.

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

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

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

(8) In deciding whether to allow an appeal, the National Assembly must 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 regulation 12(1)(a);
- (c) in relation to regulation 12(1)(b), 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 under regulation 4(2)(a)(ii) is received, the relevant billing authority changed any policy formally adopted by and contained in a document published by the authority so that such policy then conflicted with the BID proposals; and

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- (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 National Assembly must send notice of its decision to the appellant and the relevant billing authority.