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DRAFT STATUTORY INSTRUMENTS

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**2005 No.**

**The Producer Responsibility Obligations  
(Packaging Waste) Regulations 2005**

**PART VI  
APPEALS**

**Right of appeal**

**27.**—(1) A producer may appeal to the appropriate authority against a decision of the appropriate Agency—

- (a) to refuse to grant an application for registration under regulation 7(6); or
- (b) to cancel registration under regulation 11(1).

(2) The operator of a scheme may appeal to the appropriate authority against a decision of the appropriate Agency—

- (a) to refuse to grant an application for registration under regulation 14(4); or
- (b) to cancel registration under regulation 18(1).

(3) A reprocessor or exporter may appeal to the appropriate authority against a decision of the appropriate Agency—

- (a) to refuse accreditation under regulation 24;
- (b) to specify a condition pursuant to paragraph 1(q)(iii) of Schedule 5; or
- (c) to cancel or suspend accreditation under regulation 26.

**Procedure on appeals**

**28.**—(1) Where an appeal is made to the appropriate authority it may—

- (a) appoint any person to exercise on its behalf, with or without payment, the function of determining the appeal; or
- (b) refer any matter involved in the appeal to such person as the appropriate authority may appoint for the purpose, with or without payment.

(2) If the appellant so requests, or the appropriate authority so decides, the appeal shall be or continue in the form of a hearing.

(3) Schedule 6 shall have effect with respect to the procedure on any such appeal.

**Determination of appeals**

**29.** Where, on such an appeal, the appropriate authority determines that the decision of the appropriate Agency shall be altered it shall be the duty of the appropriate Agency to give effect to the determination.

### **Status pending appeal**

**30.** In a case falling within regulation 11(1) or 18(1), the decision appealed against shall be ineffective until the appeal is disposed of; and if the appeal is dismissed or withdrawn the decision shall become effective from the end of the day on which the appeal is dismissed or withdrawn.