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STATUTORY INSTRUMENTS

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**2011 No. 988**

**The Waste (England and Wales) Regulations 2011**

**PART 10**

**Enforcement**

**Appeals**

**41.**—(1) A person on whom a compliance notice, stop notice or restoration notice is served may appeal against the decision to serve it.

(2) The grounds for appeal are—

- (a) that the decision was wrong in fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable;
- (d) that any step specified in the notice is unreasonable;
- (e) any other reason.

(3) The right of appeal is to the First-tier tribunal<sup>(1)</sup>.

(4) The tribunal must determine the standard of proof.

(5) A notice, and any requirement in a notice, is not suspended pending an appeal unless the tribunal directs otherwise.

(6) The tribunal may—

- (a) withdraw the requirement or notice;
- (b) confirm the requirement or notice;
- (c) vary the requirement or notice;
- (d) take such steps as the authority serving the notice could take in relation to the act or omission giving rise to the requirement or notice;
- (e) remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the authority.

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<sup>(1)</sup> Appeals are assigned to the General Regulatory Chamber of the tribunal by article 3 of [S.I. 2010/2655](#). Procedural rules relating to such appeals are set out in [S.I. 2009/1976](#) (amended by [S.I. 2010/2653](#)). Appeals must be brought within 28 days of the date on which notice of the act or decision to which the proceedings relate was sent to the appellant: see rule 22(1)(b).