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STATUTORY INSTRUMENTS

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**1990 No. 1510**

**The Planning and Building Regulations  
(Amendment) (Northern Ireland) Order 1990**

**PART III**

**BUILDING REGULATIONS**

**Appeal against contravention notice**

**35.** After Article 18A of the principal Order there shall be inserted the following Article—

**“Appeal against contravention notice**

**18B.**—(1) Any person aggrieved by a contravention notice served on him may by notice in writing appeal to the Department.

- (2) An appeal under this Article shall be brought—
- (a) within 28 days of the service of the contravention notice; or
  - (b) in a case where the person on whom the contravention notice was served gives notice under Article 18A(1)(a), within 70 days of the service of the contravention notice.
- (3) On an appeal under this Article the Department shall—
- (a) if it determines that the district council was entitled to serve the contravention notice, confirm the notice; and
  - (b) in any other case, give the council a direction to withdraw the notice.
- (4) Where an appeal is brought under this Article—
- (a) the contravention notice shall be of no effect pending the final determination or withdrawal of the appeal; and
  - (b) Article 18(4) shall have effect in relation to that notice as if for the words “from the date on which the notice is served” there were substituted the words “beginning, in a case where an appeal is brought under Article 18B, on the date when the appeal is finally determined or, as the case may be, withdrawn”.
- (5) If on an appeal under this Article—
- (a) there is produced to the Department a report that has been submitted to the district council under Article 18A(1); and
  - (b) the Department gives a direction under paragraph (3)(b),

the Department may further direct the council to pay to the person on whom the contravention notice was served such amount as appears to the Department to represent the expenses reasonably incurred by that person in obtaining the report.

(6) It shall be the duty of a district council to comply with any direction given to it by the Department under this Article .

(7) The decision of the Department on an appeal under this Article shall be final and conclusive, except on any question of law.

(8) Any question of law arising in connection with the determination by the Department of an appeal under this Article may, if the Department thinks fit, be referred for decision to the Court of Appeal and, where the Department decides so to refer such a question, it shall give notice of its intention to do so to the appellant and the district council.

(9) An appellant or district council aggrieved by a decision of the Department on a point of law arising on an appeal under this Article which is not referred for decision to the Court of Appeal under paragraph (8) may appeal from that decision to the Court of Appeal.

(10) The decision of the Court of Appeal on a point of law referred to it under paragraph (8) or (9) shall be final.”.