
STATUTORY INSTRUMENTS

1996 No. 1632

The Deregulation and Contracting
Out (Northern Ireland) Order 1996

PART II

DEREGULATION

Enforcement procedures and appeals

Model provisions with respect to appeals

10.—(1) The Department of Economic Development must by order prescribe model provisions with respect to appeals against enforcement action with a view to their being incorporated, if thought fit, and with or without modifications, in enactments to which paragraph (2) applies.

(2) This paragraph applies to enactments which include provision the effect of which is to impose, or authorise or require the imposition of, a restriction, requirement or condition affecting any person in the carrying on of any trade, business or profession or otherwise.

(3) The Department of Economic Development must perform its duty under this Article in the manner which it considers is best calculated to secure—

- (a) that appeals determined in accordance with the model provisions are determined without unnecessary delay; and
- (b) that the costs incurred by the parties to appeals so determined are kept to the minimum.

(4) Model provisions prescribed by an order under this Article may provide for the appointment of persons to hear and determine appeals and confer powers on persons so appointed, including in particular—

- (a) power to appoint experts and their own counsel or solicitor;
- (b) power to require respondents to disclose documents and other material;
- (c) power to summon witnesses;
- (d) power to make interim orders, including orders staying enforcement action; and
- (e) power to award costs to appellants and, in certain cases, against them.

(5) Model provisions so prescribed may also—

- (a) confer a right for interested persons to make representations before enforcement action is taken;
- (b) require the giving of reasons to such persons for any decision to take such action;
- (c) require appellants to state their grounds of appeal and respondents to furnish statements by way of answer;
- (d) enable appellants to amend their grounds of appeal before the hearing;
- (e) require appeals to be determined on the merits rather than by way of review; and

- (f) provide for further appeals to courts on points of law.
- (6) An order made by the Department of Economic Development under this Article is subject to negative resolution.
- (7) In this Article—
 - “enactment” includes an enactment (whenever passed) and an enactment contained in any instrument (whenever made);
 - “enforcement action” has the same meaning as in Article 9;
 - “interested person” means—
 - (a) the person against whom enforcement action may be or has been taken; and
 - (b) any other person in respect of whom either of the conditions mentioned in paragraph 5(1) of Schedule 1 is fulfilled.