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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 202**

**The Business Improvement Districts  
(Scotland) Regulations 2007**

**Appeal against veto**

**15.**—(1) A person (“the appellant”) who wishes to appeal against a veto under section 43(1) of the 2006 Act shall serve on the Scottish Ministers, within 28 days of the veto notice being given by the local authority under section 42(2) of the 2006 Act, a notice in writing (“the appeal notice”) accompanied by a statement of the reasons for which the appeal is made.

(2) On receipt of the appeal notice the Scottish Ministers shall—

- (a) notify the appellant and the local authority in writing that they have received the appeal notice; and
- (b) send a copy of the appeal notice to the local authority and the billing body.

(3) Where two or more appeal notices relate to the same veto, the Scottish Ministers may decide those appeals together.

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

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

(6) A copy of the representations made by one party to the appeal shall be sent by the Scottish Ministers to the other parties to the appeal and shall 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 Scottish Ministers further written representations in reply, the Scottish Ministers shall send a copy of any such further representations to the other parties to the appeal, and then no further written representations shall be allowed.

(8) In deciding whether to allow an appeal, the Scottish Ministers shall take into account the following matters—

- (a) the level of support (as evidenced by the result of the BID ballot or re ballot, as the case may be) for the BID proposals, where such information is available;
- (b) the nature and extent of the conflicts mentioned in section 42(4) of the 2006 Act;
- (c) in relation to section 42(4)(c) of the 2006 Act, the structure of the proposed BID levy and how the financial burden of the business improvement district is to be distributed among ratepayers and the other eligible persons in the geographical area of the business improvement district;
- (d) in relation to section 42(4)(c) of the 2006 Act, how the financial burden of the business improvement district may have been disproportionately distributed among ratepayers and the other eligible persons as a result of the selection of the geographic area of the business improvement district;

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (e) the extent to which the BID proposer discussed the BID proposals with the local authority before submitting the BID proposals to the authority under regulation 5;
  - (f) whether, after the date on which the notice pursuant to regulation 5(2)(a)(ii) is received, the local 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
  - (g) the cost incurred by any person 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 Scottish Ministers shall send notice of their decision in writing to the appellant and the local authority.