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STATUTORY INSTRUMENTS

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**1997 No. 648**

**The Producer Responsibility Obligations  
(Packaging Waste) Regulations 1997**

**PART IV**

**REGISTRATION OF SCHEMES—APPEALS**

**Right of appeal**

**18.** The operator of a scheme may appeal to the Secretary of State against a decision of the appropriate Agency—

- (a) to refuse registration under regulation 12(5), except where the refusal arises from failure to comply with regulation 12(4); or
- (b) to cancel registration under regulation 17(1).

**Procedure of appeals**

**19.—(1)** Where an appeal is made to the Secretary of State, he may—

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

(2) If the operator of the scheme so requests, or the Secretary of State so decides, the appeal shall be or continue in the form of a hearing (which may, if the person hearing the appeal so decides, be held or held to any extent in private).

(3) Schedule 5 shall have effect with respect to the procedure on any such appeal.

**Determination of appeals**

**20.** Where, on such an appeal, the Secretary of State 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**

**21.** Where an appeal is pending in a case falling within regulation 17(1), the decision to cancel registration shall be ineffective until the appeal is disposed of; and if the appeal is dismissed or withdrawn the decision shall become effective from the end of the day on which the appeal is dismissed or withdrawn.