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STATUTORY INSTRUMENTS

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**2000 No. 1043**

The Environmental Protection (Disposal of  
Polychlorinated Biphenyls and other Dangerous  
Substances) (England and Wales) Regulations 2000

PART III

REGISTRATION OF HOLDERS OF CONTAMINATED EQUIPMENT

**Appeals**

8.—(1) A person may, by notice in writing given to the relevant appellate authority, appeal to the relevant appellate authority against—

- (a) the deemed refusal under regulation 6(6) of an application for registration; or
- (b) the cancellation of a registration under regulation 7.

(2) An appeal—

- (a) under paragraph (1)(a) shall be brought within the period of 28 days beginning with the date on which the application is deemed to be refused;
- (b) under paragraph (1)(b) shall be brought before the date on which the cancellation takes effect.

(3) The provisions set out in section 114(1), (3)(a) and (4) of, and Schedule 20 to, the 1995 Act (concerning the delegation of functions of determining, and the reference of matters involved in, appeals) shall apply in relation to appeals under this regulation, and matters involved in them, as they apply to appeals under the provisions specified in section 114(2)(a) of that Act and matters involved in those appeals, but as though references to the Secretary of State were to the relevant appellate authority.

(4) If a party to the appeal so requests, or the relevant appellate authority so decides, an appeal under this regulation 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).

(5) Where, on appeal in a case falling within paragraph (1)(b), the person determining the appeal determines that the decision of the [F1appropriate authority] shall be altered it shall be the duty of the [F1appropriate authority] to give effect to the determination.

(6) While an appeal is pending in a case falling within paragraph (1)(b), the decision in question shall be ineffective as respects any equipment which is the subject matter of the appeal; and if the appeal is dismissed or withdrawn the decision shall become effective from the end of the day on which the appeal is dismissed or withdrawn.

(7) In this regulation “relevant appellate authority” as respects a refusal or cancellation which relates to equipment held or to be held—

- (a) only at locations in England, means the Secretary of State;
- (b) only at locations in Wales, means the Welsh Assembly;

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**Changes to legislation:** *There are currently no known outstanding effects for the The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000, Section 8. (See end of Document for details)*

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- (c) at locations in both England and Wales means—
- (i) the Secretary of State so far as refusal or cancellation relates to equipment at locations in England,
  - (ii) the Welsh Assembly so far as the refusal or cancellation relates to equipment at locations in Wales.

**F1** Words in [reg. 8\(5\)](#) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 4 para. 122](#) (with [Sch. 7](#))

**Changes to legislation:**

There are currently no known outstanding effects for the The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000, Section 8.