

## SCHEDULE 4

### Powers of inspectors

#### **Appeals against enforcement and prohibition notices**

**5.—**(1) Any person who is aggrieved by a decision of an inspector to serve a notice under this Schedule may appeal to a magistrate's court or, in Scotland, to the sheriff.

(2) The procedure on appeal to a magistrate's court is by way of complaint and the Magistrates' Court Act 1980(1) or, in the case of Northern Ireland, the Magistrates' Courts (Northern Ireland) Order 1981(2), applies to the proceedings.

(3) An appeal to the sheriff is by summary application.

(4) The period within which an appeal must be brought is 28 days from the service of the notice or, in the case of an enforcement notice, the period specified in the notice, whichever ends earlier.

(5) A notice served under this Schedule must state—

- (a) the right of appeal to a magistrates' court or the sheriff; and
- (b) the period in which such an appeal may be brought.

(6) On an appeal under this paragraph, the court may either cancel or affirm the notice and, if it affirms the notice, it may do so either in its original form or with such modifications as it thinks fit; and a reference in this sub-paragraph to a court includes, in relation to Scotland, a reference to the sheriff.

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(1) 1980 c.43; sections 51 and 52 have been substituted by section 47 of the Courts Act 2003 (c. 39).

(2) S.I. 1981/1675 (N.I. 26).