

*Status:* This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** Public Health (Wales) Act 2017, Cross Heading: Appeals is up to date with all changes known to be in force on or before 29 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

### SCHEDULE 3

#### FURTHER PROVISION IN CONNECTION WITH SPECIAL PROCEDURE LICENCES

##### *Appeals*

- 18 (1) An applicant may appeal to a magistrates' court against—
- (a) the refusal of an application for a special procedure licence;
  - (b) the refusal of an application to vary a special procedure licence;
  - (c) the refusal of an application to renew a special procedure licence.
- (2) A licence holder may appeal to a magistrates' court against a revocation under section 68.
- (3) An individual to whom notice has been given under section 61(1) (designation of a person for the purposes of section 58) may appeal to a magistrates' court against the decision to give the notice.
- (4) An appeal is to be made within the period of 21 days beginning with the date of—
- (a) in the case of an appeal under sub-paragraph (1) or (2), the notice of the decision to refuse the application or of the decision to revoke;
  - (b) in the case of an appeal under sub-paragraph (3), the notice under section 61(1).
- (5) An appeal is to be by way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980 (c.43).
- (6) For the purposes of the time limit for making an appeal, the making of the complaint is to be treated as the making of the appeal.
- (7) On an appeal, the magistrates' court may—
- (a) confirm the decision of the local authority appealed against, or
  - (b) quash or vary the decision appealed against,
- and may make such order as to costs as it thinks fit.
- (8) If the magistrates' court quashes or varies the decision appealed against, it may remit the case to the local authority to dispose of in accordance with directions given by the court.
- 19 (1) An appeal by either party against the decision of a magistrates' court under paragraph 18 may be brought to the Crown Court.
- (2) On an appeal to the Crown Court, the Crown Court may—
- (a) confirm, vary or reverse the magistrates' court's decision;
  - (b) remit the case to the magistrates' court or the local authority to dispose of in accordance with directions given by the Crown Court.
- 20 (1) Where on an appeal under paragraph 18 or 19 a court varies or reverses a local authority's decision, the court may order the local authority to compensate the

---

**Status:** This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** Public Health (Wales) Act 2017, Cross Heading: Appeals is up to date with all changes known to be in force on or before 29 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

applicant, licence holder, or person within paragraph 18(3) (as the case may be) for loss suffered as the result of the decision.

- (2) The bringing of an appeal under paragraph 18 or 19 in respect of a decision made by a local authority or notice given by a local authority does not suspend the effect of the decision or notice.

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

Public Health (Wales) Act 2017, Cross Heading: Appeals is up to date with all changes known to be in force on or before 29 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/949, art. 3 by [S.I. 2017/967 art. 2](#)