

*Status: This version of this provision is prospective.*

*Changes to legislation: Public Health (Wales) Act 2017, Section 81 is up to date with all changes known to be in force on or before 22 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*



# Public Health (Wales) Act 2017

2017 anaw 2

## PART 4

### SPECIAL PROCEDURES

*Appeals against stop notices and remedial action notices*

PROSPECTIVE

#### **81 Appeals**

- (1) A person (“P”) may appeal to a magistrates' court—
  - (a) against notice given to P under section 77;
  - (b) against notice given to P under section 78 or 79;
  - (c) if P is given notice under section 80(5), against the refusal of P's application for a completion certificate.
- (2) An appeal is to be made within the period of 21 days beginning with the date of the notice concerned.
- (3) An appeal is to be by way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980 (c.43).
- (4) 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.
- (5) On an appeal, the magistrates' court may—
  - (a) confirm the notice or refusal;
  - (b) in the case of an appeal against a notice given to P under section 77, 78 or 79, quash or vary the notice;
  - (c) in the case of an appeal against a refusal of an application for a completion certificate, quash the refusal;

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- (d) in any case, remit the case to the local authority to dispose of in accordance with directions given by the court;  
and may make such order as to costs as it thinks fit.
- (6) Where on an appeal under this section a magistrates' court quashes or varies a notice given to P by a local authority, or quashes the refusal of an application for a completion certificate, it may order the local authority to compensate P for loss suffered as the result of the service of the notice or (as the case may be) the refusal.
- (7) An appeal by either party against the decision of a magistrates' court on an appeal under this section may be brought to the Crown Court.
- (8) 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.
- (9) The bringing of an appeal under this section against a notice given by a local authority does not suspend the effect of the notice.

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**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](#)