



2011 CHAPTER 21

Appeals

Appeals against remedial notices and other decisions of councils **N.I.**

7.—(1) Where the council—

- (a) issues a remedial notice,
- (b) withdraws such a notice, or
- (c) waives or relaxes the requirements of such a notice,

each of the persons falling within subsection (2) may appeal to the Valuation Tribunal against the issue or withdrawal of the notice or (as the case may be) the waiver or relaxation of its requirements.

(2) Those persons are—

- (a) every person who is a complainant in relation to the complaint by reference to which the notice was given; and
- (b) every person who is an owner or occupier of the neighbouring land.

(3) Where the council decides either or both of the issues specified in section 3(3) otherwise than in the complainant's favour, the complainant may appeal to the Valuation Tribunal against the decision.

(4) An appeal under this section must be made before—

- (a) the end of the period of 28 days beginning with the relevant date; or
- (b) such later time as the Valuation Tribunal may allow.

(5) In subsection (4) “the relevant date”—

- (a) in the case of an appeal against the issue of a remedial notice, means the date on which the notice was issued; and

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Changes to legislation: There are currently no known outstanding effects for the High Hedges Act (Northern Ireland) 2011, Cross Heading: Appeals. (See end of Document for details)

(b) in the case of any other appeal under this section, means the date of the notification given by the council under section 3 or 6 of the decision in question.

(6) Where an appeal is duly made under subsection (1), the notice or (as the case may be) withdrawal, waiver or relaxation in question shall not have effect pending the final determination or withdrawal of the appeal.

(7) Rules under paragraph 7 of Schedule 9B to the Rates (Northern Ireland) Order 1977 (NI 28) (procedural rules for Valuation Tribunal) may, in particular, make provision—

- (a) specifying the grounds on which appeals under this section may be made;
- (b) requiring persons making an appeal under this section to pay such fee (if any) as may be prescribed;
- (c) for a decision on an appeal under this section to be binding on persons falling within subsection (2) in addition to the person by whom the appeal was made;
- (d) for incidental or ancillary matters relating to appeals under this section, including the awarding of costs.

Commencement Information

- I1** S. 7(1)-(6) in operation at 31.3.2012 by [S.R. 2012/20](#), [art. 2](#)
- I2** S. 7(7) in operation at 31.1.2012 for specified purposes and at 31.3.2012 in so far as not already in operation by [S.R. 2012/20](#), [art. 2](#), [Sch.](#)

Determination or withdrawal of appeals **N.I.**

8.—(1) On an appeal under section 7 the Valuation Tribunal may allow or dismiss the appeal, either in whole or in part.

(2) Where the Valuation Tribunal decides to allow such an appeal to any extent, the Tribunal may do such of the following as it considers appropriate—

- (a) quash a remedial notice or decision to which the appeal relates;
- (b) vary the requirements of such a notice; or
- (c) in a case where no remedial notice has been issued, issue on behalf of the council a remedial notice that could have been issued by the council on the complaint in question.

(3) On an appeal under section 7 relating to a remedial notice, the Valuation Tribunal may also correct any defect, error or misdescription in the notice if the Tribunal is satisfied that the correction will not cause injustice to any person falling within subsection (2) of that section.

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(4) Once the Valuation Tribunal has made a decision on an appeal under section 7, the Tribunal must, as soon as is reasonably practicable—

- (a) give a notification of the decision, and
- (b) if the decision is to issue a remedial notice or to vary or correct the requirements of such a notice, send copies of the notice as issued, varied or corrected,

to every person falling within section 7(2) and to the council.

(5) Where, in consequence of the decision on an appeal, a remedial notice is upheld or varied or corrected, the operative date of the notice shall be—

- (a) the date of the decision; or
- (b) such later date as may be specified in the decision.

(6) Where the person making an appeal under section 7 against a remedial notice withdraws the appeal, the operative date of the notice shall be the date on which the appeal is withdrawn.

(7) In any case falling within subsection (5) or (6), the compliance period for the notice shall accordingly run from the date which is its operative date by virtue of that subsection (and any period which may have started to run from a date preceding that on which the appeal was made shall accordingly be disregarded).

Commencement Information

I3 S. 8 in operation at 31.3.2012 by [S.R. 2012/20](#), [art. 2](#)

Status:

Point in time view as at 31/03/2012.

Changes to legislation:

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