



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, Section 7. (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.](#)

Status:

Point in time view as at 31/03/2012.

Changes to legislation:

There are currently no known outstanding effects for the High Hedges Act (Northern Ireland) 2011, Section 7.