

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Cross Heading: Appeals to a court of summary jurisdiction. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### STATUTORY NUISANCES: SUPPLEMENTARY PROVISIONS

##### *Appeals to a court of summary jurisdiction*

1.—(1) This paragraph applies in relation to appeals under section 65(8) against an abatement notice to a court of summary jurisdiction.

(2) Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) shall apply to such appeals.

(3) An appeal against any decision of a court of summary jurisdiction in pursuance of an appeal to which this paragraph applies shall lie to the county court at the instance of any party to the proceedings in which the decision was given.

(4) The Department may make regulations as to appeals to which this paragraph applies and without prejudice to the generality of this sub-paragraph the regulations may in particular—

- (a) prescribe the cases in which an abatement notice is, or is not, to be suspended until the appeal is decided, or until some other stage in the proceedings;
- (b) prescribe the cases in which the decision on appeal may in some respects be less favourable to the appellant than the decision from which the appeal is brought;
- (c) prescribe the cases in which the appellant may claim that an abatement notice should have been served on some other person and prescribe the procedure to be followed in those cases.

#### **Commencement Information**

- I1** [Sch. 2 para. 1](#) in operation at 18.1.2012 for specified purposes by [S.R. 2012/13](#), [art. 2\(1\)](#), [Sch. 1](#)
- I2** [Sch. 2 para. 1](#) in operation at 1.4.2012 in so far as not already in operation by [S.R. 2012/13](#), [art. 2\(2\)](#), [Sch. 2](#)

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