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STATUTORY INSTRUMENTS

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**2006 No. 1254**

The Fire and Rescue Services (Northern Ireland) Order 2006

**PART III**

FIRE SAFETY

CHAPTER II

ENFORCEMENT

**Appeals**

**40.**—(1) A person to whom paragraph (2) applies may, within 21 days from the date on which a relevant notice is served, appeal to the county court in accordance with county court rules.

(2) This paragraph applies to—

- (a) a person on whom a relevant notice is served; and
- (b) if the relevant notice is a prohibition notice, a person who in relation to the relevant premises to which the notice relates is subject to the duties imposed by Article 25 or 26.

(3) On an appeal under this Article, the county court may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(4) Where an appeal is brought under this Article against an enforcement notice or an alterations notice, the operation of the notice shall be suspended until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

(5) Where an appeal is brought under this Article against a prohibition notice, the operation of the notice shall not be suspended unless, on the application of the appellant, the court so directs (and then only from the giving of the direction).

(6) In this Article “relevant notice” means—

- (a) a prohibition notice;
- (b) an enforcement notice; or
- (c) an alterations notice.

**Status:**

Point in time view as at 15/11/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the The Fire and Rescue Services (Northern Ireland) Order 2006, Section 40.