
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 95

**The Environmental Protection (Disposal of
Polychlorinated Biphenyls and other Dangerous
Substances) (Scotland) Regulations 2000**

PART III

REGISTRATION OF HOLDERS OF CONTAMINATED EQUIPMENT

Appeals

8.—(1) A person may, by notice given in writing (or in electronic form) to the Scottish Ministers, appeal to the Scottish Ministers against—

- (a) the deemed refusal under regulation 6(6) of an application for registration; or
- (b) the cancellation of a registration under regulation 7.

(2) An appeal—

- (a) under paragraph (1)(a) shall be brought within the period of 28 days beginning with the day on which the application is deemed to be refused;
- (b) under paragraph (1)(b) shall be brought before the date on which the cancellation takes effect.

(3) The provisions set out in section 114(1), (3)(a) and (4) of, and Schedule 20 to, the 1995 Act (concerning the delegation of functions of determining and the reference of matters involved in, appeals) shall apply in relation to appeals to the Scottish Ministers under this regulation, and matters involved in them, as they apply to appeals under the provisions specified in section 114(2)(a) of the 1995 Act and matters involved in those appeals.

(4) Where an appeal is made to the Scottish Ministers, if a party to the appeal so requests, or the Scottish Ministers so decide, the appeal shall be or continue in the form of a hearing (which may, if the person hearing the appeal so decides, be held or held to any extent in private).

(5) A person aggrieved by a decision of the Scottish Ministers under this regulation may, within 28 days of that decision, appeal to the sheriff by way of summary application.

(6) Where, on an appeal in a case falling within paragraph (1)(b), the person determining the appeal determines that the decision of SEPA shall be altered, it shall be the duty of SEPA to give effect to the determination on the date it becomes effective.

(7) While an appeal is pending in a case falling within paragraph (1)(b), the decision in question shall be ineffective; and the decision on the appeal shall become (or shall be treated as) effective 28 days after the day on which the appeal is decided or withdrawn, unless an appeal is taken to the sheriff in accordance with paragraph (5), in which case the decision shall become (or shall be treated as) effective from the expiry of the time period for any further appeal without any such further appeal being taken or, if there is no further right of appeal, the date of final disposal of the matter (or in either case the date of withdrawal of the appeal).