



Environment Act 1995

1995 CHAPTER 25

PART V

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

[^{F1}Powers of Entry][^{F1}Enforcement]

[^{F1}109G.Variation or discharge of restriction orders

- (1) At any time before the expiry of a restriction order, an application may be made to a justice of the peace, by complaint, for the order to be varied or discharged.
- (2) Those entitled to make an application under this section are—
 - (a) the appropriate agency that applied for the restriction order;
 - (b) the occupier of the premises subject to the order;
 - (c) the owner of the premises subject to the order.
- (3) Where the appropriate agency makes an application under this section, the justice of the peace may issue a summons directed to one or both of the occupier and the owner of the premises, requiring the person to appear before the magistrates' court to respond to the application.
- (4) Where the occupier or the owner of the premises makes an application under this section, the justice of the peace must—
 - (a) issue a summons directed to the appropriate agency that applied for the restriction order requiring it to appear before the magistrates' court to respond to the application, or
 - (b) dismiss the application.
- (5) If a summons is issued under subsection (3) or (4), a notice stating the date, time and place of the hearing of the application must be served on—
 - (a) the appropriate agency that applied for the restriction order (other than where the agency is the complainant);
 - (b) the occupier or the owner of the premises (other than the complainant).

Changes to legislation: Environment Act 1995, Section 109G is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) The magistrates' court may make an order varying or discharging the restriction order if it is no longer satisfied that the conditions in section 109D(5) or (6) are met in respect of all or part of the premises (or the part of the premises) to which the restriction order applies.]

Textual Amendments

- F1** Ss. 109A-109N inserted (E.W.) (29.3.2018) by [The Waste Enforcement \(England and Wales\) Regulations 2018 \(S.I. 2018/369\)](#), reg. 1(2), **Sch. 2 para. 3** (with reg. 4(1))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)