



Energy Act 2011

2011 CHAPTER 16

PART 1

ENERGY EFFICIENCY

CHAPTER 1

GREEN DEAL

General

35 Appeals

- (1) This section applies if provision is included in a scheme or regulations by virtue of any of the following—
- (a) section 3(3)(h) or (i);
 - (b) section 6(4);
 - (c) section 16.
- (2) The Secretary of State must by regulations provide for a right of appeal to a court or tribunal against any sanction imposed, or other action taken, by the Secretary of State or a specified public body under the provision mentioned in subsection (1).
- (3) Regulations under subsection (2) may, in particular, include provision—
- (a) as to the jurisdiction of the court or tribunal to which an appeal may be made;
 - (b) as to the persons who may make an appeal;
 - (c) as to the grounds on which an appeal may be made;
 - (d) as to the procedure for making an appeal (including any fee which may be payable);
 - (e) suspending the effect of a sanction or other action being appealed against, pending determination of the appeal;
 - (f) as to the powers of the court or tribunal to which an appeal is made;

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2011, Section 35. (See end of Document for details)

- (g) as to how any sum payable in pursuance of a decision of the court or tribunal is to be recoverable.
- (4) The provision referred to in subsection (3)(f) includes provision conferring on the court or tribunal to which an appeal is made power—
 - (a) to confirm the sanction imposed or action taken;
 - (b) to withdraw the sanction or action;
 - (c) to impose a different sanction or take different action;
 - (d) to remit the decision whether to confirm the sanction or other action, or any matter relating to that decision, to the person who imposed the sanction or took the action;
 - (e) to award costs or, in Scotland, expenses.
- (5) If the Secretary of State considers it appropriate for the purpose of, or in consequence of, any provision falling within subsection (3)(a), (d), (f) or (g), regulations under subsection (2) may revoke or amend any subordinate legislation.
- (6) If the Scottish Ministers consider it appropriate for the purpose of, or in consequence of, any provision falling within subsection (3)(a), (d), (f) or (g), they may by regulations revoke or amend any subordinate legislation, or any provision included in an instrument made under an Act of the Scottish Parliament, if the provision making the revocation or amendment would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament.
- (7) In this section—
 - (a) “specified public body” means a public body specified in an order made by virtue of section 31(1);
 - (b) “subordinate legislation” has the meaning given in section 21(1) of the Interpretation Act 1978 and includes an instrument made under a Measure or Act of the National Assembly for Wales.

Commencement Information

- I1** S. 35(1)-(5)(7) in force at 21.3.2012 by S.I. 2012/873, **art. 2(a)(xi)**
- I2** S. 35(6) in force at 22.6.2012 by S.S.I. 2012/191, **art. 2(1)(2)(d)**

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