
WELSH STATUTORY INSTRUMENTS

2001 No. 2197

The Contaminated Land (Wales) Regulations 2001

Appeals to a magistrates' court

8.—(1) An appeal under section 78L(1) to a magistrates' court against a remediation notice shall be by way of complaint for an order and, subject to section 78L(2) and (3) and regulations 7(3), 12 and 13, the Magistrates' Courts Act 1980(1) shall apply to the proceedings.

(2) An appellant shall, at the same time as he makes a complaint,—

(a) file a notice (“notice of appeal”) and serve a copy of it on—

(i) the enforcing authority;

(ii) any person named in the remediation notice as an appropriate person;

(iii) any person named in the notice of appeal as an appropriate person;

(iv) any person named in the remediation notice as the owner or occupier of the whole or any part of the land to which the notice relates;

(b) file a copy of the remediation notice to which the appeal relates and serve a copy of it on any person named in the notice of appeal as an appropriate person who was not so named in the remediation notice; and

(c) file a statement of the names and addresses of any persons falling within paragraph (ii), (iii) or (iv) of sub-paragraph (a) above.

(3) The notice of appeal shall state the appellant’s name and address and the grounds on which the appeal is made.

(4) On an appeal under section 78L(1) to a magistrates' court—

(a) the justices' clerk or the court may give, vary or revoke directions for the conduct of proceedings, including—

(i) the timetable for the proceedings;

(ii) the service of documents;

(iii) the submission of evidence; and

(iv) the order of speeches;

(b) any person falling within paragraph (2)(a)(ii), (iii) or (iv) above shall be given notice of, and an opportunity to be heard at, the hearing of the complaint and any hearing for directions, in addition to the appellant and the enforcing authority; and

(c) the court may refuse to grant a request by the appellant to abandon his appeal against a remediation notice, where the request is made after the court has notified the appellant in accordance with regulation 12(1) of a proposed modification of that notice.

(5) Rule 15 of the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991(2) (delegation by justices' clerk) shall apply for the purposes of an appeal under section 78L(1) to a magistrates' court as it applies for the purposes of Part II of those Rules.

(1) 1980 c. 43.

(2) S.I. 1991/1991 (L.32).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) In this regulation, “file” means deposit with the justices' clerk.