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WELSH STATUTORY INSTRUMENTS

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**2013 No. 2750**

**The Fruit Juices and Fruit Nectars (Wales) Regulations 2013**

**Appeal against improvement notice – application of subsections (1) and (6) of section 37, and section 39, of the Act**

**18.**—(1) Subsections (1) and (6) of section 37 of the Act (appeals) apply for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 17 of the Fruit Juices and Fruit Nectars (Wales) Regulations 2013, may appeal to the magistrates’ court.”; and

(b) in subsection (6) for “(3) or (4)”, substitute “(1)”.

(2) Section 39 of the Act (appeals against improvement notices) applies for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

“(1) On an appeal against a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 17 of the Fruit Juices and Fruit Nectars (Wales) Regulations 2013, the 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.”; and

(b) in subsection (3), omit “for want of prosecution”.