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## STATUTORY INSTRUMENTS

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# 1997 No. 2778

## The Waste and Contaminated Land (Northern Ireland) Order 1997

### PART III

#### CONTAMINATED LAND

##### Appeals against remediation notices

**58.**—(1) A person on whom a remediation notice is served may, within the period of 21 days from the day on which the notice is served, appeal against the notice—

- (a) if it was served by a district council, to a court of summary jurisdiction; or
- (b) if it was served by the Department, to the Planning Appeals Commission;

and in the following provisions of this Article “the appellate authority” means the court of summary jurisdiction or, as the case may be, the Planning Appeals Commission.

(2) Part I of Schedule 2 shall have effect with respect to appeals to the Planning Appeals Commission under paragraph (1).

(3) On receipt of an appeal under paragraph (1) the Planning Appeals Commission shall give notice of the appeal to the Department.

(4) On any appeal under paragraph (1) the appellate authority—

- (a) shall quash the notice, if it is satisfied that there is a material defect in the notice; but
- (b) subject to that, may confirm the remediation notice, with or without modification, or quash it.

(5) Where an appellate authority confirms a remediation notice, with or without modification, it may extend the period specified in the notice for doing what the notice requires to be done.

(6) Regulations may—

- (a) make provision with respect to appeals under this Article and in particular as to the period within which and the manner in which appeals are to be brought;
- (b) prescribe the cases in which a remediation notice is, or is not, to be suspended until the appeal is decided, or until some other stage in the proceedings;
- (c) prescribe the cases in which the decision on an appeal may in some respects be less favourable to the appellant than the remediation notice against which he is appealing;
- (d) prescribe the cases in which the appellant may claim that a remediation notice should have been served on some other person and prescribe the procedure to be followed in those cases.

**Changes to legislation:**

The Waste and Contaminated Land (Northern Ireland) Order 1997, Section 58 is up to date with all changes known to be in force on or before 03 April 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- art. 58(1) words substituted by [2011 c. 5 \(N.I.\) s. 8\(2\)](#)
- art. 58(3) words substituted by [2011 c. 5 \(N.I.\) s. 8\(4\)](#)
- art. 58(4) words substituted by [2011 c. 5 \(N.I.\) s. 8\(5\)](#)
- art. 58(5) words substituted by [2011 c. 5 \(N.I.\) s. 8\(6\)](#)

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

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

- art. 58(1A) inserted by [2011 c. 5 \(N.I.\) s. 8\(3\)](#)
- art. 70(2A)-(2C) inserted by [2011 c. 5 \(N.I.\) s. 9](#)