
STATUTORY INSTRUMENTS

2006 No. 3289

The Waste Electrical and Electronic
Equipment Regulations 2006

PART 12

APPEALS

Right of appeal

- 66.**—(1) An operator of a scheme or an operator of a proposed scheme may appeal—
- (a) to the Secretary of State against a decision of the Environment Agency;
 - (b) to the Scottish Ministers against a decision of SEPA; and
 - (c) to the Planning Appeals Commission against a decision of the Department of the Environment.
- (2) For the purposes of paragraph (1), a decision means a decision—
- (a) to refuse to grant approval of that operator’s proposed scheme under regulation 41; or
 - (b) to withdraw approval of that operator’s scheme under regulation 44.
- (3) An operator of an ATF or an exporter may appeal—
- (a) to the Secretary of State against a decision of the Environment Agency;
 - (b) to the Scottish Ministers against a decision of SEPA; and
 - (c) to the Planning Appeals Commission against a decision of the Department of the Environment.
- (4) For the purposes of paragraph (3), a decision means a decision—
- (a) to refuse to grant an application for approval made by that operator of an ATF or that exporter under regulation 47;
 - (b) to refuse to grant an extension of a grant of approval made to that exporter under regulation 48; or
 - (c) to suspend or cancel a grant of approval made in relation to that ATF or that exporter under regulation 50.
- (5) For the purposes of this Part and Schedule 11, “appeal body” means one of the following—
- (a) the Secretary of State,
 - (b) the Scottish Ministers, or
 - (c) the Planning Appeals Commission.

Procedure of appeals

- 67.**—(1) Where an appeal is made to an appeal body under regulation 66, that body may—

- (a) appoint any person to exercise on its behalf, with or without payment, the function of determination of the appeal; or
 - (b) refer any matter involved in the appeal to such person as that body may appoint for the purpose, with or without payment.
- (2) If the appellant so requests, or the appeal body so decides, the appeal shall be or continue in the form of a hearing (which may, if the person hearing the appeal so decides, be held or held to any extent in private).
- (3) Schedule 11 shall have effect with respect to the procedure of any such appeal.

Determination of appeals

68. Where, on an appeal made under regulation 66, the appeal body determines that the decision of the appropriate authority shall be altered it shall be the duty of that appropriate authority to give effect to the determination.

Status of a decision pending appeal

69. Where an appeal made under regulation 66 above is pending in a case falling within regulation 44 or 50—

- (a) a decision—
 - (i) to withdraw approval of a scheme, or
 - (ii) to cancel approval of an ATF or an exporter,shall be ineffective until the appeal is disposed of; and if the appeal is dismissed or withdrawn the decision shall become effective from the end of the day on which the appeal is dismissed or withdrawn; and
- (b) a decision to suspend cancellation shall remain in force.