1993 No. 55

RADIOACTIVE SUBSTANCES

The Radioactive Substances (Appeals) Regulations (Northern Ireland) 1993

Made . . . . . 11th February 1993

Coming into operation . . 1st April 1993

The Department of the Environment, in exercise of the powers conferred on it by sections 11D(6) and (11), 15(1), 19(1) and 21(2) of the Radioactive Substances Act 1960(**a**) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Radioactive Substances (Appeals) Regulations (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

Interpretation

2.—(1) In these regulations—

"the Act" means the Radioactive Substances Act 1960; and

"the Department" means the Department of the Environment.

(2) The Interpretation Act (Northern Ireland) 1954(**b**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Notice of appeal

3.—(1) A person who wishes to appeal to the Department under section 11D of the Act shall give written notice of the appeal to the Department.

(2) The notice of appeal shall be accompanied by the following—

(*a*) a full statement of the appellant's case;

(*b*) a copy of any relevant application;

(*c*) a copy of any relevant certificate of registration or authorisation;

(*d*) a copy of any relevant correspondence between the appellant and the chief inspector;

(**a**) 1960 c. 34; section 11D was inserted by the Environmental Protection Act 1990 (c. 43) Schedule 5, paragraph 10; section 15(1) was amended by section 100(3) of the Environmental Protection Act 1990 c. 43; section 19(1) is cited because of the meaning assigned in that provision to the word "prescribed"; section 21(2) was amended by paragraph 20(*a*) of Schedule 5 to the Environmental Protection Act 1990 and is cited because it provides that any reference to the Secretary of State is to be construed as a reference to the Department of the Environment for Northern Ireland.

(**b**) 1954 c. 33 (N.I.)

(*e*) a copy of any decision or notice which is the subject matter of the appeal; and

(*f*) a statement indicating whether the appellant wishes the appeal to be disposed of on the basis of written representations or to be in the form of a hearing.

(3) Any request by the appellant to withdraw an appeal shall be made to the Department in writing.

Time limit for bringing an appeal

4.—(1) Subject to paragraph (2), notice of appeal pursuant to regulation 3(1) shall be given within 2 months from the date on which—

(*a*) a copy of the decision or notice which is the subject matter of the appeal is sent to the appellant; or

(*b*) the relevant application is treated as having been refused by virtue of section 1(3A), 3(4B) or 8(3B) of the Act(**a**),

or before the expiry of such longer period as the Department may allow.

(2) Where the appeal is against the decision of the chief inspector to cancel a registration or to revoke an authorisation, notice of appeal shall be given within 28 days from the date on which notice of the decision is given to the appellant under section 5(2) or 8(8) of the Act or before the expiry of such longer period as the Department may allow.

Action upon receipt of notice of appeal

5.—(1) Upon receipt of a notice of appeal accompanied by the documents specified in regulation 3(2), the Department shall send to the chief inspector a copy of the notice of appeal, the statement of the appellant's case and the appellant's statement indicating whether he wishes the appeal to be disposed of on the basis of written representations or to be in the form of a hearing.

(2) Where the appeal is against a decision in respect of an application for an authorisation under section 6 of the Act on which the chief inspector consulted a public or local authority under section 9(3) of the Act, the chief inspector shall inform the Department of the names of the authorities consulted.

(3) The Department shall send to any authority whose name is notified to it under paragraph (2) a notice stating that an appeal has been lodged and that within 21 days from the date of service of that notice the authority may make representations to it with respect to the subject matter of the appeal.

Written representations

6.—(1) Where the appellant informs the Department that he wishes the appeal to be disposed of on the basis of written representations, the chief inspector may submit written representations to the Department not later than 28 days after receiving a copy of the appellant's statements.

(**a**) 1960 c. 34; sections 1(3A), 3(4B) and 8(3B) were inserted by the Environmental Protection Act 1990 (c. 43) Schedule 5, paragraph 11