

Subsidiary Legislation made under s.4.

**Litter Control (Litter Abatement Notice) (Appeal)
Regulations 1991**

LN.1991/155

Commencement **8.8.1991**

ARRANGEMENT OF REGULATIONS

Regulation

1. Title.
2. Grounds of Appeal.
3. Procedure in relation to an appeal.

1990-31

Litter Control

1991/155

**Litter Control (Litter Abatement Notice) (Appeal)
Regulations 1991**

Title.

1. These regulations may be cited as the Litter Control (Litter Abatement Notice) (Appeal) Regulations 1991.

Grounds of Appeal.

2. Where a Litter Abatement Notice has been served on an occupier or owner in accordance with section 9 of the Litter Control Act 1990, such person may exercise the right of appeal provided for in sub-section (4) of that section on the grounds that –

- (a) the time specified in the notice is not reasonably sufficient for the purpose;
- (b) that there is a defect or error in or in connection with the notice:

Provided that the court shall dismiss the appeal if it is satisfied that the defect or error was not a material one;

- (c) that the premises to which the notice relates are occupied by some other person and the notice should have been served upon that other person.

Procedure in relation to an appeal.

3.(1) The right of appeal to the Magistrates' Court shall be by way of information specifying the premises to which the abatement notice relates and the grounds of appeal.

(2) A person appealing against a Litter Abatement Notice in accordance with sub-regulation (1) shall at the time of serving of the information serve on –

- (a) the Litter Authority by whom the Litter Abatement Notice was served; and
- (b) in the case of grounds of appeal being those of regulation 2(c), on that other person alleged to be the occupier,

a copy of the information.