



APPEAL

Enforcement Notices

You may appeal (under Article 35 of The Order) against an Enforcement Notice served under Article 30 of The Order. The appeal must be made within 21 days from the day on which the Notice is served to the magistrates' court for the area in which your premises is situated and may be brought on the grounds that you think that:

- the service of an Enforcement Notice was based on an error of fact;
- the service of the Enforcement Notice was wrong in law, or
- the Authority erred in the exercise of their discretion in serving the Enforcement Notice.

Examples of situation in which an appeal may lie are where:

- a. you dispute any of the facts in the Notice which detail the steps which have to be taken in order to comply with any provision of The Order.
- b. you think that an unreasonable time period has been set for the taking of the steps set out in the Notice.

Where an appeal is brought against an Enforcement Notice, the Notice is suspended until the appeal is disposed of or withdrawn.

Prohibition Notices

You may appeal (under Article 35 of The Order) against a Prohibition Notice served under Article 31 of The Order. The appeal must be made within 21 days from the day on which the Notice is served to the magistrates' court for the area in which your premises is situated.

Where an appeal is brought against a Prohibition Notice, the bringing of the appeal does not suspend the Notice, unless the court so directs.

Further Appeals

Under Article 35 (7) of The Order, where a person (or the Authority) feels aggrieved by an order made by the magistrates' court, appeal may be made to the Crown Court.

**Fire Protection Department
SHQ, Kelvedon Park**