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**Changes to legislation:** Environmental Protection Act 1990, Cross Heading: Appeals to magistrates' court is up to date with all changes known to be in force on or before 23 May 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. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 3

#### STATUTORY NUISANCES: SUPPLEMENTARY PROVISIONS

##### *Appeals to magistrates' court*

- 1 (1) This paragraph applies in relation to appeals under section 80(3) against an abatement notice to a magistrates' court.
- (2) An appeal to which this paragraph applies shall be by way of complaint for an order and the <sup>M1</sup>Magistrates' Courts Act 1980 shall apply to the proceedings.
- (3) An appeal against any decision of a magistrates' court in pursuance of an appeal to which this paragraph applies shall lie to the Crown Court at the instance of any party to the proceedings in which the decision was given.
- (4) The Secretary of State may make regulations as to appeals to which this paragraph applies and the regulations may in particular—
- (a) include provisions comparable to those in section 290 of the <sup>M2</sup>Public Health Act 1936 (appeals against notices requiring the execution of works);
  - (b) prescribe the cases in which an abatement 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 appeal may in some respects be less favourable to the appellant than the decision from which he is appealing;
  - (d) prescribe the cases in which the appellant may claim that an abatement notice should have been served on some other person and prescribe the procedure to be followed in those cases.

#### **Marginal Citations**

**M1** 1980 c. 43.

**M2** 1936 c. 49.

##### *Appeals to Sheriff*

- [<sup>F1</sup>1A (1) This paragraph applies in relation to appeals to the sheriff under section 80(3) against an abatement notice.
- (2) An appeal to which this paragraph applies shall be by way of a summary application.
- (3) The Secretary of State may make regulations as to appeals to which this paragraph applies and the regulations may in particular include or prescribe any of the matters referred to in sub-paragraphs (4)(a) to (d) of paragraph 1 above.]

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#### Textual Amendments

- F1** Sch. 3 para. 1A inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para.7(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art.3**.

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

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

- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)