

Appealing a decision made by the Secretary of State under the Green Deal Framework Regulations

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APPEALING A DECISION MADE BY THE SECRETARY OF STATE UNDER THE GREEN DEAL FRAMEWORK REGULATIONS

Where the Secretary of State decides to impose or not impose a sanction under the Green Deal Framework Regulations, or decides to refuse an application for authorisation to act as a green deal assessor certification body or a green deal installer certification body, any person directly affected by the sanction will be able to appeal the Secretary of State's decision to the First Tier Tribunal.

Those directly affected by the Secretary of State's decision on sanctions: The decisions referred to may be appealed to the General Regulatory Chamber of the First-tier Tribunal. The process for appeals to the First-tier Tribunal is available under the Tribunals section of the "Justice" website at the following link

www.justice.gov.uk/tribunals/environment

Green Deal Providers: Appeals against non authorisation and withdrawal of authorisation decisions cannot be made to the First-tier Tribunal; those decisions can be appealed through Judicial Review. Information on how to apply for a Judicial Review is available under the following link:

<http://www.parliament.uk/documents/commons/lib/research/rp2006/rp06-044.pdf>

Appeals to the First-tier Tribunal

An appellant must start proceedings before the Tribunal by sending or delivering to the Tribunal a notice of appeal within 28 days of the date on which notice of the act or decision to which the proceedings relate was sent to the appellant.

Once an appeal has been made, the Tribunal may suspend a decision of the Secretary of State until the appeal is determined.

A person who wishes the First-tier Tribunal to decide whether the Secretary of State's decision should be suspended must make a written application to the First-tier Tribunal.

If the First-tier Tribunal grants a suspension it may give directions relating to the appeal of the substantive decision and unless it considers that there is good reason not to do so, must send written notice of any decision to suspend the decision to each party.

If the appellant is unsuccessful in their appeal the sanction decision will take effect.

Further information on how to make an appeal and to ask for a decision to be suspended can be found in the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 at: <http://www.justice.gov.uk/tribunals/rules> .

Following the outcome of the appeals process, if the sanction decision is not upheld, the appellant will be contacted by the Oversight and Registration Body, who will take the necessary steps to give effect to the appeals decision.

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