



## FEDERAL SUBSIDIARY LEGISLATION

### ENVIRONMENTAL QUALITY ACT 1974 [ACT 127]

P.U.(A) 115/2003

#### ENVIRONMENTAL QUALITY (APPEAL BOARD) REGULATIONS 2003

Publication : 21st April 2003  
Date of coming into operation : 21st April 2003

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## **Preamble**

IN exercise of the powers conferred by subsection 35(1) and paragraph 51(1)(f) of the Environmental Quality Act 1974 [*Act 127*], the Minister makes the following regulations:

### **Regulation 1. Citation and commencement.**

(1) These regulations may be cited as the **Environmental Quality (Appeal Board) Regulations 2003**.

(2) These Regulations come into operation on 21 April 2003.

### **Regulation 2. Interpretation.**

In these Regulations, unless the context otherwise requires—

"Appeal Board" means the Appeal Board appointed under section 36 of the Act; "notice" means the notice referred to in subregulation 3(1);

"appellant" means any person who submits an appeal in accordance with regulation 3.

### **Regulation 3. Notice of appeal.**

(1) Any person who is aggrieved by any decision of the Director General under subsection 35(1) of the Act may, within 30 days from the date of which the decision was communicated to him, give notice in writing that he intends to appeal against such decision.

(2) Such notice shall be sent to the Appeal Board and shall indicate precisely the decision by which the appellant is aggrieved.

(3) The appellant may, not later than thirty days after sending the notice, submit the grounds of appeal and such other documents as may be necessary for the purpose of the appeal.

(4) A copy of the notice and the grounds of appeal and such other documents referred to in subregulation (3) shall be sent to the Director General at the same time such notice, grounds and other documents are sent to the Appeal Board.

#### **Regulation 4. Powers and functions of the Appeal Board.**

(1) The Appeal Board shall consider an appeal on the basis of the grounds of appeal of the appellant, the grounds for the decision by the Director General as well as the documents submitted to it.

(2) Notwithstanding subregulation (1), the Appeal Board shall have the discretion—

(a) to hear the appellant in person or his representative; and

(b) to consider any additional evidence or documents presented by the appellant or his representative

(3) Where the Appeal Board exercises its discretion under subregulation (2), the Director General or his representative shall be given the opportunity to comment on or rebut against any evidence given or documents tendered by the appellant or his representative.

(4) The Appeal Board shall, after hearing the appeal under subregulation (1), submit to the appellant and the Director General the grounds of its decision in respect of the matter on appeal.

#### **Regulation 5. Order of the Appeal Board.**

(1) The Appeal Board may, after considering any appeal, make such order as it deems just and necessary.

(2) An order made by the Appeal Board under subregulation (1) shall be final and no appeal shall lie from it.

#### **Regulation 6. Service of notice and document.**

(1) Any notice and other documents relating to an appeal shall, unless delivered by hand, be sent by A.R. registered post.

(2) Any notice and other documents relating to an appeal shall be made in duplicate.

## **Regulation 7. Transitional.**

Any person who is aggrieved by any decision of the Director General which was made 30 days before the commencement of these Regulations may appeal to the Appeal Board in accordance with the provisions of these Regulations.

Made 16 April 2003

[AS(S)91/110/919/013; PN(PU<sup>2</sup>)280/VII]

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