



# Public Health Act 1936

## 1936 CHAPTER 49

### PART XII

#### GENERAL.

*Appeals and other applications to courts of summary jurisdiction, and appeals to quarter sessions.*

#### **300 Appeals and applications to courts of summary jurisdiction.**

- (1) Where any enactment in this Act provides—
  - (a) for an appeal to a court of summary jurisdiction against a requirement, refusal or other decision of a council; or
  - (b) for any matter to be determined by, or an application in respect of any matter to be made to, a court of summary jurisdiction,the procedure shall be by way of complaint for an order, and the Summary Jurisdiction Acts shall apply to the proceedings.
- (2) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the council's requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.
- (3) In any case where such an appeal lies, the document notifying to the person concerned the decision of the council in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

#### **301 Appeals to quarter sessions against decisions of justices.**

Subject as hereinafter provided, where a person aggrieved by any order, determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions, he may appeal to such a court:

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*Status: This is the original version (as it was originally enacted).*

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Provided that nothing in this section shall be construed as conferring a right of appeal from the decision of a court of summary jurisdiction in any case if each of the parties concerned might under this Act have required that the dispute should be determined by arbitration instead of by such a court.

**302 Effect of decision of court upon an appeal.**

Where upon an appeal under this Act a court varies or reverses any decision of a council, it shall be the duty of the council to give effect to the order of the court and, in particular, to grant or issue any necessary consent, certificate or other document, and to make any necessary entry in any register.