



Towns Improvement Clauses Act 1847

1847 CHAPTER 34

Appeal

And with respect to the Appeal to be made against any Rate, it enacted as follows:

CLXXXV Persons aggrieved may appeal to Petty Sessions on the ground of Incorrectness, &c. of Valuation. Their Decision to be final unless appealed from to Quarter Sessions.

If any Person think himself aggrieved by any Rate on the ground of Inequality, Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, or in the Amount assessed thereon, he may at any Time within One Month after; such Rate is made appeal to the Justices at any Special Sessions holden for the Division within which the rateable Property is situated for the Purpose of considering Appeals against the Poor Rates, or in *Ireland* may appeal to the Justices of the Petty Sessions of the District, or to the Justices acting for the District, within which the rateable Property is situated; but no such Appeal shall be entertained by Such Justices unless Seven Days Notice in Writing of such Appeal be given by the aggrieved Party to the Commissioners ; and at the Sessions for which such Notice is given, or any Adjournment thereof, the Justices there present shall hear and determine all Objections to any such Rate on the ground of Inequality, Unfairness, or Incorrectness in the Valuation of any Property included therein, or in the Amount assessed thereon, of which Notice has been so given, but no Other Objection; and their Decision shall be final, unless the Party impugning such Decision, within Fourteen Days after the same is made, give Notice in Writing to the other Party of his Intention to appeal against such Decision, stating in such Notice the Nature and Grounds of such Appeal, and within Five Days after giving such Notice enter into a Recognizance before some Justice of the Peace, with sufficient Sureties conditioned to try such Appeal at the then next Quarter Sessions at which the same can be tried, and to abide the Order of and pay such Costs as shall be awarded by the Court at such Sessions, or any Adjournment thereof.

CLXXXVI Parties may appeal to the Quarter Sessions against a Rate.

If any Person think himself aggrieved by any Rate made under the Authority of this or the special Act, or by any Matters included in or omitted from the same, he may, at any

Time within One Month after the same is made, give Notice of his Intention to appeal to the next Quarter Sessions holden not less than Fourteen Days after such Notice; but no such Appeal shall be entertained at such Quarter Sessions unless Fourteen Days Notice in Writing of such Appeal stating the Nature and Grounds thereof be given by the aggrieved Party to the Commissioners: Provided always, that' no such Notice of Appeal shall prevent, the issuing of the Warrant of Distress for Recovery of any such Rate as herein-after provided, or the Execution thereof.

~~CLXXXVI~~ Quarter Sessions to hear Appeal, whose Decision shall be final.

The Court shall hear and determine the Appeal in a summary Way at the Quarter Sessions for which any such Notice of Appeal, is given, or at the following Sessions, when the Court things fit to, adjourn the Appeal to the following Sessions, and the Decision of the Court shall be final and conclusive on all. Parties,

~~CLXXXVII~~ Order of Special Sessions to be in force pending Appeal.

No Order of the said Justices shall be of any Force pending any Appeal touching the same Subject Matter to the Court of Quarter Sessions having Jurisdiction to try such Appeal, or in opposition to the Order of any such Court on such Appeal.

~~CLXXXVIII~~ Appeal, the Quarter Sessions and Petty Sessions to have same Power of amending and quashing Rates, and of awarding Costs, as in Appeals against Poor Rates.

The said Justices and the Court of Quarter Sessions respectively shall in any such Appeal as aforesaid have the same Powers of amending or quashing the Rate in respect of which the Appeal is made as are by Law vested in Courts of Quarter Sessions for amending or quashing the Rates for the Relief of the Poor Within their Jurisdiction upon Appeals against such Rates, and shall likewise have respectively, in any Appeal against any Rate made under the Authority of this or the special Act, the same Powers of awarding Costs to be paid by or to any of the Parties to the Appeal, and of recovering such Costs, as are now vested in them respectively for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their Jurisdiction: Provided always, that if the said Justices or Court shall quash the Rate in respect of which the Appeal is made, then, notwithstanding the quashing of such Rate, all Sums of Money charged by such Rate on any Person charged by such Rate may, if the Justices or Court so order, be levied by such Means and in the same Manner as if no Appeal had been made against such Rate; and the Money which any Person, charged on such Rate pays, or which is recovered from him shall be taken as a Payment on account of the next effective Rate made on him for the same Purposes for which the Rate so quashed was made.

~~CXC~~ Order of Justices not to be removed by Certiorari.

No Order of the said. Justices or Court of Quarter Sessions upon any such Appeal as aforesaid shall be removed by Certiorari or otherwise into any of Her Majesty's Courts of Record at *Westminster*.