



Railway and Canal Traffic Act 1888

1888 CHAPTER 25

PART I

COURT AND PROCEDURE OF RAILWAY AND CANAL COMMISSIONERS

Appeals

17 Appeals on certain questions to superior court of appeal

- (1) No appeal shall lie from the Commissioners upon a question of fact, or upon any question regarding the locus standi of a complainant.
- (2) Save as otherwise provided by this Act, an appeal shall lie from the Commissioners to a superior court of appeal.
- (3) An appeal shall not be brought except in conformity with such rules of court as may from time to time be made in relation to such appeals by the authority having power to make rules of court for the superior court of appeal.
- (4) On the hearing of an appeal the court of appeal may draw all such inferences as are not inconsistent with the facts expressly found, and are necessary for determining the question of law, and shall have all such powers for that purpose as if the appeal were an appeal from a judgment of a superior court, and may make any order which the Commissioners could have made, and also any such further or other order as may be just, and the costs of and incidental to an appeal shall be in the discretion of the court of appeal, but no Commissioner shall be liable to any costs by reason or in respect of any appeal.
- (5) The decision of the superior court of appeal shall be final: Provided that where there has been a difference of opinion between any two of such superior courts of appeal, any superior court of appeal in which a matter affected by such difference of opinion is pending may give leave to appeal to the House of Lords, on such terms as to costs as such court shall determine.

***Status:** This is the original version (as it was originally enacted). This
item of legislation is currently only available in its original format.*

- (6) Save as provided by this Act, an order or proceeding of the Commissioners shall not be questioned or reviewed, and shall not be restrained or removed by prohibition, injunction, certiorari, or otherwise, either at the instance of the Crown or otherwise.