

Appeals, to the County Court.

MADE BY THE MINISTRY OF FINANCE FOR NORTHERN IRELAND,
AND THE MINISTRY OF HOME AFFAIRS FOR NORTHERN
IRELAND JOINTLY UNDER SECTION 26 OF THE DRAINAGE
ACT (NORTHERN IRELAND), 1925, ADAPTING PARAGRAPHS
1, 2, 3, 6 & 7 OF SECTION 269 OF THE PUBLIC HEALTH
(IRELAND) ACT, 1878.

1926. No. 97.

To the Council of each Administrative County in Northern Ireland; and to all others whom it may concern.

The Ministry of Finance for Northern Ireland and the Ministry of Home Affairs for Northern Ireland in exercise of the powers vested in them by Section 26 of the Drainage Act (Northern Ireland), 1925, and of all other powers in this behalf enabling them Hereby make the following Regulations:—

1. For the purpose of appeals to the county court pursuant to the provisions of Section 26 of the Drainage Act (Northern Ireland), 1925, paragraphs 1, 2, 3, 6 & 7 of Section 269 of the Public Health (Ireland) Act, 1878, shall be adapted and shall read and have effect as follows:—

- (1) The appeal shall be made to the next court of quarter sessions for the county, division or place in which the cause of appeal has arisen holden not less than twenty-one days after such cause has arisen. The cause of appeal shall be deemed to have arisen when the person aggrieved by the Act, proposal, order or decision giving rise thereto shall have been notified or shall have become aware of such act, proposal, order or decision:
- (2) The appellant shall, within fourteen days after the cause of appeal has arisen, give notice of his intention to appeal and of the ground thereof:—
 - (a) to the county council or other drainage authority, as the case may be, where he deems himself aggrieved by anything done or proposed to be done by that county council or other drainage authority in pursuance of a scheme confirmed under the Drainage Act (Northern Ireland), 1925;
 - (b) to the county council, where he deems himself aggrieved by a decision of that county council under Part I. of the said Act upon the question of his liability to scour out or cleanse a watercourse; or,

(c) to the Ministry of Home Affairs for Northern Ireland and the County Council concerned, where he deems himself aggrieved by a decision of the said Ministry under Part I. of the said Act upon the question of his liability to scour out or cleanse a water-course :

(3) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to prosecute such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court or give such other security by deposit of money or otherwise as the justice may allow :

(6) The court of appeal may, if it thinks fit, adjourn the appeal, and on the hearing thereof may confirm, reverse or modify the decision of the county council or other drainage authority or Ministry of Home Affairs for Northern Ireland, as the case may be, or remit the matter to the county council or other drainage authority or Ministry of Home Affairs for Northern Ireland, as the case may be, with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by any party other than the said Ministry of Home Affairs as the court thinks just :

(7) The decision of the court of appeal shall be binding on all parties: Provided that the court of appeal may, if such court thinks fit, state the facts specially for the determination of a superior court.

2. These Regulations may be cited as "The Drainage (Appeals to County Court) Regulations, 1926."

Given under the Seal of the Ministry of Finance for Northern Ireland this 5th day of October, 1926.

(Signed),

(L.S.)

G. C. Duggan,
Assistant Secretary

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this 5th day of October, 1926.

(Signed),

(L.S.)

Geo. A. Harris,
Assistant Secretary.