



# Public Health (Drainage of Trade Premises) Act 1937

## 1937 CHAPTER 40

### 3 Appeals to the Minister

- (1) Any person aggrieved by a direction of a local authority given under the last preceding section in relation to a trade effluent notice, or by the refusal of a local authority to give a consent for which application has been duly made to them by means of such a notice, or by the failure of a local authority to give such a consent within the initial period, or by any condition attached by a local authority to such a consent, may appeal to the Minister, and upon any such appeal the Minister—
- (a) where the appeal is in respect of such a direction as aforesaid, may either annul the direction or modify it by substituting an earlier date for the date specified in the direction as the date before which no trade effluent is to be discharged in pursuance of the notice,
  - (b) where the appeal is in respect of such a refusal or failure as aforesaid, may give the necessary consent, either unconditionally or subject to any such condition as the Minister thinks fit to impose for determining any of the matters mentioned in paragraphs (a) to (e) of subsection (3) of the last preceding section,
  - (c) where the appeal is in respect of such a condition as aforesaid in relation to any matter, may either annul the condition or substitute therefor any less stringent condition in relation to the same matter, or
  - (d) in any case, may dismiss the appeal;

and the decision of the Minister on any such appeal shall be final:

Provided that at any stage of the proceedings on such an appeal the Minister may, and, if so directed by the High Court, shall, state in the form of a special case for the opinion of the High Court any question of law arising in those proceedings.

- (2) For the avoidance of doubt it is hereby declared that a person aggrieved by the failure of a local authority to give such a consent as aforesaid within the initial period has a right of appeal under this section, notwithstanding that the failure may be occasioned only by the fact that an interested body have not approved the giving of the consent.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Where, by virtue of this section, the Minister modifies a direction or gives a consent or imposes a condition, then for the purposes of the preceding sections of this Act, the direction, as so modified, or the consent or condition, as the case may be, shall be deemed to have been duly given or imposed by the local authority under the last preceding section.