



# Railways (Valuation for Rating) Act 1930

## 1930 CHAPTER 24

### 9 Appeals

- (1) At any time within two months after the Joint Authority have, in accordance with the provisions contained in the Third Schedule to this Act, certified to the Railway Assessment Authority and the Assessor of Railways and Canals for Scotland the amount determined by them to be the average net receipts of a railway company's undertaking carried on in England and in Scotland, so far as those receipts are to be ascertained by the Joint Authority, and their apportionment of that amount between England and Scotland, appeals against that certificate on the ground that the Joint Authority have determined incorrectly the amount of those receipts or have apportioned the amount thereof unfairly, may be brought to the Railway and Canal Commissioners by the railway company concerned, by the county valuation committee of any county and the council of any county borough, being a county or county borough in England within which the undertaking of the company is carried on, by any Scottish public authority and by the rating authority of any area in Scotland within which the undertaking is carried on.
- (2) At any time within two months after the Railway Assessment Authority have completed any part of a railway valuation roll, appeals may be brought to the Railway and Canal Commissioners against that part of the roll by the persons and on the grounds hereinafter mentioned, that is to say :—
  - (a) on the ground that the Railway Assessment Authority have determined incorrectly the average net receipts of a railway company so far as those receipts fall to be determined by that Authority, or the net annual value of the company's undertaking as a whole, or of the undertaking as a whole in so far as it is carried on in England, by the railway company concerned and by the county valuation committee of any county and the council of any county borough, being a county or county borough within which the undertaking of the company is carried on :
  - (b) on the ground that the Railway Assessment Authority have incorrectly treated any premises as being, or as not being, a railway hereditament, or a part of a railway hereditament, or have determined incorrectly the net annual or rateable value of any railway hereditament, by the railway company concerned and by the county valuation committee of the county and the rating

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authority of the rating area within which the hereditament is situate and by any person aggrieved :

Upon an appeal under paragraph (b) of this subsection, the Commissioners shall not enter upon any inquiry as to the correctness of the amount determined to be the net annual value of the undertaking as a whole, or of the undertaking as a whole in so far as it is carried on in England, and they shall not upon any appeal under this subsection enter upon any enquiry as to the correctness of any amount, or the fairness of any apportionment, certified by the Joint Authority.

- (3) The Railway Assessment Authority and the Joint Authority may, if they think fit, appear as respondents to any appeal under this section, and such other persons may appear as respondents to the appeal as may be specified by rules made under section twenty of the Railway and Canal Traffic Act, 1888, as amended and applied by this section.
- (4) The provisions of the Railway and Canal Traffic Act, 1888, as amended by any subsequent enactment, relating to the procedure for the determination of questions under that Act (including the provisions relating to appeals) shall apply to the determination by the Commissioners of appeals under this section subject to the following modifications—
  - (a) the ex-officio Commissioners for England and Scotland and one only of the appointed Commissioners shall attend at the hearing of an appeal under subsection (1) of this section and, in relation to any such appeal, subsection (3) of section five of the Act, and in subsection (1) of section four of the Act the words from " and an" to the end of the subsection, shall not apply;
  - (b) the superior court of appeal to which appeals from the Commissioners are to be made shall be the House of Lords, and the Appellate Jurisdiction Act, 1876, shall apply as if the Commissioners when sitting to hear an appeal under this section were included amongst the courts mentioned in section three of that Act;
  - (c) special rules may be made under section twenty of the Act with respect to the procedure and practice under this section, and those rules shall require the approval of the Lord President of the Court of Session as well as of the Lord Chancellor and the Secretary of State; and
  - (d) the discretion of the Commissioners with regard to costs shall not be limited in the manner provided by section two of the Railway and Canal Traffic Act, 1894.
- (5) If on the hearing of any appeal under this section the Commissioners are of opinion that any contention of the appellant is well founded, they shall give effect to their opinion in the following manner—
  - (i) in the case of an appeal under subsection (1) they shall amend the certificate given by the Joint Authority in such manner as they think fit, and
  - (ii) in the case of an appeal under subsection (2)—
    - (a) if, by reason of the relevant part of the railway valuation roll not having been revised in accordance with the next succeeding section, they are unable to specify any value to be entered therein, they shall give to the Railway Assessment Authority such directions to be followed by them in revising that part as will ensure that as so revised it will give effect to the opinion of the Commissioners; and
    - (b) if the relevant part of the railway valuation roll has at the date of their decision been so revised, they shall direct the Railway Assessment Authority to make in that part as so revised such alterations with

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respect to the hereditament to which the appeal relates as the Commissioners think fit.