



# Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

## PART XII

### GENERAL

*Appeals and other applications to courts of summary jurisdiction, and appeals to quarter sessions*

#### **300 Appeals and applications to courts of summary jurisdiction.**

- (1) Where any enactment in this Act provides—
  - (a) for an appeal to a court of summary jurisdiction against a requirement, refusal or other decision of a council; or
  - (b) for any matter to be determined by, or an application in respect of any matter to be made to, a court of summary jurisdiction,the procedure shall be by way of complaint for an order, and the Summary Jurisdiction Acts shall apply to the proceedings.
- (2) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the council's requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.
- (3) In any case where such an appeal lies, the document notifying to the person concerned the decision of the council in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

#### **Modifications etc. (not altering text)**

- C1** S. 300 extended by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\), s. 77\(1\)](#) and [Thermal Insulation \(Industrial Buildings\) Act 1957 \(c. 40\), s. 8\(1\)](#) which 1957 Act has been repealed (E.W.) by [S.I. 1985/4936, reg 3\(2\), Sch. 4](#)

*Status: Point in time view as at 21/09/2008.*

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- C2** Ss. 300, 301 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)
- C3** S. 300 applied (coming into force in accordance with s. 1(2)–(4) of the amending Act) by 2002 c. i, s. 27(4) (with ss. 38,39)
- C4** Ss. 300-302 extended (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 106(7), 223(2)** (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).  
Ss. 300-302 applied (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 113(5), 223(2)** (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).  
Ss. 300-301 applied (1.12.1991) by Water Industry Act 1991 (c. 56), ss. 180, 223(2), **Sch. 12 para. 4(4)(5)** (with ss. 82(3), 186(1), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).
- C5** S. 300 applied (with modifications) (20.9.2000) by 2000 c. vii, **ss. 1(1), 19(9)–(11)**
- C6** S. 300 applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), 9, **Sch. 1**
- C7** Ss. 300-302 applied (with modifications) (19.9.2007) by London Local Authorities Act 2007 (c. ii), s. 1(3), **Sch. 1**
- C8** Ss. 300-302 applied (with modifications) (22.7.2008) by Transport for London Act 2008 (c. i), ss. 1(1), **38(4)** (with ss. 38(9), 48)
- C9** S. 300 modified (21.9.2008) by London Local Authorities and Transport for London Act 2008 (c. iii), ss. 1(2), 11(4), **Sch. 1**
- C10** S. 300(2) excluded by Public Health Act 1961 (c. 64), s. 36(3)

### 301 Appeals to quarter sessions against decisions of justices.

Subject as hereinafter provided, where a person aggrieved by any order, determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to [<sup>F1</sup>the Crown Court] he may appeal to such a court: Provided that nothing in this section shall be construed as conferring a right of appeal from the decision of a court of summary jurisdiction in any case if each of the parties concerned might under this Act have required that the dispute should be determined by arbitration instead of by such a court.

#### Textual Amendments

- F1** Words substituted by virtue of Courts Act 1971 (c. 23), s. 56(2), **Sch. 9 Pt. I**

#### Modifications etc. (not altering text)

- C8** Ss. 300-302 applied (with modifications) (22.7.2008) by Transport for London Act 2008 (c. i), ss. 1(1), **38(4)** (with ss. 38(9), 48)
- C11** S. 301 extended by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), s. 77(1) and Thermal Insulation (Industrial Buildings) Act 1957 (c. 40), s. 8(1) which 1957 Act has been repealed (E.W.) by S.I. 1985/4936, reg 3(2), **Sch. 4**
- C12** Ss. 300, 301 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)
- C13** S. 301 applied (coming into force in accordance with s. 1(2)–(4) of the amending Act) by 2002 c. i, s. 27(4) (with ss. 38, 39)
- C14** Ss. 300-302 extended (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 106(7), 223(2)** (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).  
Ss. 300-302 applied (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 113(5), 223(2)** (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).

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Ss. 300-301 applied (1.12.1991) by Water Industry Act 1991 (c. 56), ss. 180, 223(2), **Sch. 12 para. 4(4)(5)** (with ss. 82(3), 186(1), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).

### **302 Effect of decision of court upon an appeal.**

Where upon an appeal under this Act a court varies or reverses any decision of a council, it shall be the duty of the council to give effect to the order of the court and, in particular, to grant or issue any necessary consent, certificate or other document, and to make any necessary entry in any register.

#### **Modifications etc. (not altering text)**

- C8** Ss. 300-302 applied (with modifications) (22.7.2008) by Transport for London Act 2008 (c. i), ss. 1(1), **38(4)** (with ss. 38(9), 48)
- C15** S. 302 extended by Local Government (Miscellaneous Provisions) Act 1976 (c. 57), **s. 77(1)** and Thermal Insulation (Industrial Buildings) Act 1957 (c. 40), **s. 8(1)** which 1957 Act has been repealed (E.W.) by S.I. 1985/4936, reg 3(2), **Sch. 4**
- C16** S. 302 amended by Water Act 1989 (c. 15, SIF 130), s. 69, **Sch. 8 para. 1(2)(b)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 13(2)(3), 17, 40(4), 57(6), 58)
- C17** S. 302 applied (coming into force in accordance with s. 1(2)–(4) of the amending Act) by 2002 c. i, s. **27(4)** (with s. 38,39)
- C18** Ss. 300-302 extended (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 106(7), 223(2)** (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).  
Ss. 300-302 applied (with modifications) (1.12.1991) by Water Industry Act 1991 (c. 56), **ss. 113(5), 223(2)** (with ss. 82(3), 117(5), 186(1), 219(3), 222(1), Sch. 13 paras. 1, 2, Sch. 14 para. 6).

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