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STATUTORY INSTRUMENTS

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**1970 No. 1152**

**The Drainage Rates (Appeals) Regulations 1970**

*PROCEDURE*

**Notice of hearing**

9.—(1) The clerk to the prescribed panel shall give not less than fourteen days' notice of the date, time and place fixed for the hearing of an appeal to the appellant and to the drainage board.

(2) The clerk to the prescribed panel shall not less than fourteen days before the date of such hearing advertise the date, time and place at which the court will sit to hear appeals by causing a notice of the same to be affixed to the office of the prescribed panel and also to be affixed to the office of the drainage board or posted in some conspicuous place or places within the drainage district, and such notice shall name a place where a list of the appeals to be heard by the court may be inspected.

**Representation**

10. On the hearing of an appeal the drainage board may appear by their clerk or other officer duly appointed for the purpose or by counsel or solicitor, and any other person entitled to appear may appear in person or by counsel or solicitor or by any other representative; but no member of the prescribed panel shall be entitled to act in relation to the appeal as representative for any person entitled to appear.

**Hearing**

11.—(1) On the hearing of an appeal the appellant shall begin unless the court, having regard to the particular circumstances of the case and with the consent of the appellant, otherwise determines.

(2) Subject to paragraph (1) the parties to the appeal shall be heard in such order as the court may determine.

**Non-appearance**

12. If any person entitled to appear does not appear at the hearing of an appeal, the court may, on being satisfied that the requirements of regulation 9 have been duly complied with, proceed with the hearing on the assumption that he does not desire to be heard.

**Adjournment and separate hearings**

13. The court may postpone or adjourn the hearing of an appeal for such time and to such place and upon such terms, if any, as it thinks fit, or may order that different questions arising on the appeal be heard at such different times or in such order or at such different places as to the court may seem expedient.

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### **Withdrawal of parties etc**

**14.** No person, being a party to an appeal or an employee or a member of a body which is such a party, or a person acting for such a party, or a person called as a witness during the hearing, shall be present while the court is considering its decision on the appeal.

### **Decision**

**15.**—(1) Except where the court consists of only two persons, the decision of the majority of the court shall be the decision of the court.

(2) The decision of the court shall be in writing and signed by the chairman.

(3) The clerk to the prescribed panel shall send a copy of the decision certified by him to every party to the appeal and shall inform every such party of the right to appeal against the decision of the court.

### **Non-compliance with procedural regulations**

**16.** Non-compliance with regulations 10 to 15 or any of them shall not render any proceeding in an appeal void unless the court shall so direct, but such proceeding may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the court shall think fit.