



Town and Country Planning Act 1971

1971 CHAPTER 78

PART XII

VALIDITY OF PLANNING INSTRUMENTS AND DECISIONS AND PROCEEDINGS RELATING THERETO

246 Appeals to High Court relating to enforcement notices and similar notices

- (1) Where the Secretary of State gives a decision in proceedings on an appeal under Part V of this Act against—
 - (a) an enforcement notice;
 - (b) a listed building enforcement notice ; or
 - (c) a notice under section 103 of this Act,the appellant or the local planning authority or any person (other than the appellant) on whom the notice was served may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Secretary of State to state and sign a case for the opinion of the High Court.
- (2) At any stage of the proceedings on any such appeal as is mentioned in subsection (1) of this section, the Secretary of State may state any question of law arising in the course of the proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 27 of the Supreme Court of Judicature (Consolidation) Act 1925 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).
- (3) In relation to any proceedings in the High Court or the Court of Appeal brought by virtue of this section the power to make rules of court shall include power to make rules—
 - (a) prescribing the powers of the High Court or the Court of Appeal with respect to the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the Secretary of State; and

*Status: This is the original version (as it was originally enacted). This
item of legislation is currently only available in its original format.*

- (b) providing for the Secretary of State, either generally or in such circumstances as may be prescribed by the rules, to be treated as a party to any such proceedings and to be entitled to appear and to be heard accordingly.
- (4) Rules of court relating to any such proceedings as are mentioned in subsection (3) of this section may provide for excluding so much of section 63(1) of the said Act of 1925 as requires appeals to the High Court to be heard and determined by a Divisional Court; but no appeal to the Court of Appeal shall be brought by virtue of this section except with the leave of the High Court or the Court of Appeal.
- (5) In this section " decision " includes a direction or order, and references to the giving of a decision shall be construed accordingly.