Water Resources Act 1991 (c. 57)
SCHEDULE 16 – SCHEMES IMPOSING SPECIAL DRAINAGE CHARGES
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S C H E D U L E S

SCHEDULE 16

SCHEMES IMPOSING SPECIAL DRAINAGE CHARGES

Challenge to unconfirmed orders

8   (1) If any person aggrieved by an unconfirmed order desires to question its validity on the ground—

    (a)   that it is not within the powers of this Act; or

    (b)   that any requirement of this Act has not been complied with,

he may, within six weeks of the relevant date, make an application for the purpose to the High Court.

(2) Where an application is duly made to the High Court under this paragraph, the High Court, if satisfied—

    (a)   that the order is not within the powers of this Act; or

    (b)   that the interests of the applicant have been substantially prejudiced by any requirements of this Act not having been complied with,

may quash the order either generally or in so far as it affects the applicant.

(3) Except by leave of the Court of Appeal, no appeal shall lie to the [**F1**Supreme Court] from a decision of the Court of Appeal in proceedings under this paragraph.

(4) Subject to the preceding provisions of this paragraph an unconfirmed order shall not at any time be questioned in any legal proceedings whatsoever.

(5) In this paragraph "the relevant date", in relation to an order, means—

    (a)   where the order is subject to special parliamentary procedure, the date on which the order becomes operative under the **M1**Statutory Orders (Special Procedure) Act 1945;

    (b)   where the order is not subject to special parliamentary procedure, the date of the publication of the notice mentioned in paragraph 7 above.

Textual Amendments

    F1   Words in Sch. 16 para. 8(3) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 55**; S.I. 2009/1604, art. 2(d)

Marginal Citations

    M1   1945 c. 18 (9 & 10 Geo 6).

Changes to legislation:
There are currently no known outstanding effects for the Water Resources Act 1991, Paragraph 8.