



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART XI

VALIDITY OF PLANNING INSTRUMENTS AND DECISIONS, AND PROCEEDINGS RELATING THERETO

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

- (1) Where the Minister gives a decision in proceedings on an appeal under Part IV of this Act against an enforcement notice, the appellant or the local planning authority or any person (other than the appellant) on whom the enforcement notice was served under Part IV of this Act 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 Minister to state and sign a case for the opinion of the High Court.
- (2) Where the Minister gives a decision in proceedings on an appeal under Part IV of this Act against a notice served under section fifty-two of this Act, the appellant or the local planning authority or any person (other than the appellant) on whom the notice was served may appeal to the High Court against the decision on a point of law.
- (3) At any stage of the proceedings on any such appeal as is mentioned in either of the preceding subsections, the Minister 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 twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).
- (4) 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 Minister, and

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- (b) providing for the Minister, 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.
- (5) Rules of court relating to any such proceedings as are mentioned in the last preceding subsection may provide for excluding so much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 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.
- (6) In this section “decision ” includes a direction or order, and references to the giving of a decision shall be construed accordingly.