



Senior Courts Act 1981

1981 CHAPTER 54

PART II

JURISDICTION

THE HIGH COURT

Other particular fields of jurisdiction

[^{F1}29A Further provision in connection with quashing orders

- (1) A quashing order may include provision—
 - (a) for the quashing not to take effect until a date specified in the order, or
 - (b) removing or limiting any retrospective effect of the quashing.
- (2) Provision included in a quashing order under subsection (1) may be made subject to conditions.
- (3) If a quashing order includes provision under subsection (1)(a), the impugned act is (subject to any conditions under subsection (2)) upheld until the quashing takes effect.
- (4) If a quashing order includes provision under subsection (1)(b), the impugned act is (subject to any conditions under subsection (2)) upheld in any respect in which the provision under subsection (1)(b) prevents it from being quashed.
- (5) Where (and to the extent that) an impugned act is upheld by virtue of subsection (3) or (4), it is to be treated for all purposes as if its validity and force were, and always had been, unimpaired by the relevant defect.
- (6) Provision under subsection (1)(a) does not limit any retrospective effect of a quashing order once the quashing takes effect (including in relation to the period between the making of the order and the taking effect of the quashing); and subsections (3) and (5) are to be read accordingly.

Changes to legislation: Senior Courts Act 1981, Section 29A is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (7) Section 29(2) does not prevent the court from varying a date specified under subsection (1)(a).
- (8) In deciding whether to exercise a power in subsection (1), the court must have regard to—
- (a) the nature and circumstances of the relevant defect;
 - (b) any detriment to good administration that would result from exercising or failing to exercise the power;
 - (c) the interests or expectations of persons who would benefit from the quashing of the impugned act;
 - (d) the interests or expectations of persons who have relied on the impugned act;
 - (e) so far as appears to the court to be relevant, any action taken or proposed to be taken, or undertaking given, by a person with responsibility in connection with the impugned act;
 - (f) any other matter that appears to the court to be relevant.
- (9) In this section—
- “impugned act” means the thing (or purported thing) being quashed by the quashing order;
- “relevant defect” means the defect, failure or other matter on the ground of which the court is making the quashing order.]

Textual Amendments

- F1** S. 29A inserted (14.7.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 1(1)**, 51(4) (with s. 1(4)); S.I. 2022/816, regs. 1(2), 3(a)

Modifications etc. (not altering text)

- C1** S. 29A applied (14.7.2022) by 2007 c. 15, s. 17(A1) (as inserted by [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 1(3)(a)**, 51(4); S.I. 2022/816, regs. 1(2), 3(a))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)