



# 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

#### **181 Appeals to High Court against decisions under s.43**

- (1) If, in the case of any decision to which this section applies, the person who made the application to which the decision relates, or the local planning authority, is dissatisfied with the decision in point of law, that person or the local planning authority (as the case may be) may, according as rules of court may provide, either appeal against the decision to the High Court or require the Minister to state and sign a case for the opinion of the High Court.
- (2) This section applies to any decision of the Minister—
  - (a) on an application under section forty-three of this Act which is referred to the Minister under the provisions of section twenty-two of this Act as applied by that section, or
  - (b) on an appeal from a decision of the local planning authority under section forty-three of this Act, being an appeal brought under the provisions of section twenty-three of this Act as so applied.
- (3) Where an application under section forty-three of this Act is made as part of an application for planning permission, the preceding provisions of this section shall have effect in relation to that application in so far as it is an application under the said section forty-three, but not in so far as it is an application for planning permission.
- (4) In relation to 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 prescribing the powers of the High Court or the Court of Appeal with respect to—
  - (a) the giving of any decision which might have been given by the Minister;
  - (b) the remitting of the matter, with the opinion or direction of the court, for re-hearing and determination by the Minister;

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- (c) the giving of directions to the Minister.
- (5) Rules of court relating to 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) Without prejudice to the preceding provisions of this section, the power to make rules of court in relation to proceedings in the High Court or the Court of Appeal brought by virtue of this section shall include power to make rules 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.