



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 7

MISCELLANEOUS

Judicial review

141 Judicial review: power to substitute decision

In section 31 of the Supreme Court Act 1981 (c. 54) (application for judicial review), for subsection (5) substitute—

“(5) If, on an application for judicial review, the High Court quashes the decision to which the application relates, it may in addition—

- (a) remit the matter to the court, tribunal or authority which made the decision, with a direction to reconsider the matter and reach a decision in accordance with the findings of the High Court, or
- (b) substitute its own decision for the decision in question.

(5A) But the power conferred by subsection (5)(b) is exercisable only if—

- (a) the decision in question was made by a court or tribunal,
- (b) the decision is quashed on the ground that there has been an error of law, and
- (c) without the error, there would have been only one decision which the court or tribunal could have reached.

(5B) Unless the High Court otherwise directs, a decision substituted by it under subsection (5)(b) has effect as if it were a decision of the relevant court or tribunal.”

Status:

Point in time view as at 01/04/2009.

Changes to legislation:

Tribunals, Courts and Enforcement Act 2007, Cross Heading: Judicial review is up to date with all changes known to be in force on or before 30 August 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.