

SCHEDULES

SCHEDULE 4

CERTIFIED CONTRACTS OF A BOARD

Special provision for judicial review

3.—(1) Paragraph 1(1) does not apply for the purposes of determining any question arising on an application for judicial review as to whether a board had power to enter into a contract (or exercised any power properly in entering into a contract).

(2) Paragraph 1(1) has effect subject to any determination or order made in relation to a certified contract on an application for judicial review.

(3) Where, on an application for judicial review relating to a certified contract entered into by a board, a court—

- (a) is of the opinion that the board did not have power to enter into the contract (or exercised any power improperly in entering into it); but
- (b) (having regard in particular to the likely consequences for the financial position of the board, and for the provision of services to the public, of a decision that the contract should not have effect) considers that the contract should have effect, the court may determine that the contract has (and always has had) effect as if the board had had power to enter into it (and had exercised that power properly in entering into it).

(4) In this paragraph and paragraphs 4 and 5 references to an application for judicial review include any appeal (or further appeal) against a determination or order made on such an application.