



# Building Act 1984

## 1984 CHAPTER 55

### PART I

#### BUILDING REGULATIONS

##### *Appeals in certain cases*

#### **42 Appeal and statement of case to High Court in certain cases**

- (1) Where the Secretary of State gives a decision in proceedings—
  - (a) on an appeal under section 20 or 39 above,
  - (b) on a reference under section 16 above or 50 below, or
  - (c) on an application for a direction under section 8 above where the power of giving the direction is not exercisable by the local authority,the relevant person or the local authority or, as the case may be, the approved inspector may appeal to the High Court against the decision on a point of law.
- (2) In subsection (1) above, “the relevant person ” means—
  - (a) as regards an appeal under the said section 20 or 39, the appellant,
  - (b) as regards a reference under the said section 16 or 50, the person on whose application the reference was made,
  - (c) as regards such an application as is mentioned in subsection (1)(c) above, the applicant.
- (3) At any stage of the proceedings on such an appeal, reference or application as is mentioned in subsection (1) above—
  - (a) the Secretary of State may state a 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
  - (b) a decision of the High Court on a case so stated is deemed to be a judgment of the court within the meaning of section 16 of the Supreme Court Act 1981 (appeals from the High Court to the Court of Appeal).

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*Status: This is the original version (as it was originally enacted).*

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- (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 includes 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 Secretary of State, and
  - (b) providing for the Secretary of State, 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) 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, and references to the giving of a decision shall be construed accordingly.
- (7) Until such day as the Secretary of State may by order appoint, subsections (1) and (2) above have effect as if—
- (a) in subsection (1)(b), for “section 16 above or 50 below ” there were substituted “section 30 above ” ,
  - (b) in subsection (1), the words “or, as the case may be, the approved inspector ” were omitted, and
  - (c) in subsection (2)(b), for “section 16 or 50 ” there were substituted “section 30 ” and the words “(jointly with the local authority) ” were inserted after “application ”