

*Status: Point in time view as at 28/04/2022.*

*Changes to legislation: Environment Act 1995, Cross Heading: Questioning of order in courts is up to date with all changes known to be in force on or before 11 July 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)*

## SCHEDULES

### SCHEDULE 4

#### BOUNDARIES OF REGIONAL FLOOD DEFENCE AREAS

#### *[<sup>F1</sup> Questioning of order in courts*

##### Textual Amendments

**F1** Sch. 4 repealed (E.W.) (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 53](#) (with [s. 49\(1\)\(6\)](#)); [S.I. 2011/694](#), art. 3(i)

- 6 (1) Subject to sub-paragraph (3) below, if any person desires to question the validity of an order under this Schedule on the ground—
- (a) that it is not within the powers of this Schedule, or
  - (b) that any requirement of this Schedule has not been complied with,
- he may, within six weeks after the date of the first publication of the notice required by paragraph 5 above, make an application for the purpose to the High Court.
- (2) On an application under this paragraph the High Court, if satisfied—
- (a) that the order is not within the powers of this Schedule, or
  - (b) that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the requirements of this Schedule,
- may quash the order either generally or in so far as it affects the applicant.
- (3) Sub-paragraph (1) above—
- (a) shall not apply to any order which is confirmed by Act of Parliament under section 6 of the <sup>M1</sup>Statutory Orders (Special Procedure) Act 1945; and
  - (b) shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of the provisions of this Schedule as if the reference to the date of the first publication of the notice required by paragraph 5 above were a reference to the date on which the order becomes operative under that Act of 1945.
- (4) Except as provided by this paragraph the validity of an order under this Schedule shall not, either before or after the order has been made, be questioned in any legal proceedings whatsoever.]

##### Marginal Citations

**M1** 1945 c. 18.

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