Associated Provincial Picture Houses Ltd v Wednesbury Corporation [1948] 1 KB 223


Facts

- An English law provided that cinemas could only open on Sundays with permission from the local authority.
- Associated Provincial Picture Houses (Associated) applied for permission
- Permission was granted, but only provided that no children under the age of 15 was admitted
- Associated appealed arguing that the decision was unreasonable

Issue

- Could the Court overturn the decision because it was unreasonable?

Held

- The Court held that it could not intervene because it can only do so where the decision maker has gone beyond their legal powers.
- This means the court can only intervene in cases where:
  1. The decision maker has not considered matters that lawfully must be considered;
  2. The decision maker has considered matters that are not relevant; or
  3. The decision was so unreasonable that no reasonable person could have made it.
- The third limb - that the decision was "so absurd that no sensible person could ever dream that it lay within the powers of the authority" [229] has become known as *Wednesbury Unreasonableness*.
- In this particular case, whether or not the Court thought the condition was fair or the best outcome was irrelevant - it is only relevant whether it was lawful, and it was. This was because the Parliament wants the decision maker to make the decision, not the Court. Therefore Associated's case failed.
- This case therefore shows that a Court can only intervene in very limited circumstances. This is what is known as 'judicial review'.

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