

RE: SEGALL v. SECRETARY OF STATE and UNITED SYNAGOGUE

ERUV COMMITTEE

ADVICE

1. I am asked to advise the United Synagogue Eruv Committee as to whether or not the Notice of Motion is in time and therefore valid.
2. Having considered the relevant authorities, I am unfortunately of the opinion that the Notice of Motion was entered at the Crown Office within the 6 week period from the date of the decision letter of the Secretary of State and was therefore made validly.
3. The relevant times are as follows:
 - (i) Date of Decision Letter: 20th September 1994;
 - (ii) Hand delivered (unstamped) Notice of Motion: 31st October 1994;
 - (iii) Notice of Motion entered at Crown Office: 1st November 1994.
4. There is no doubt that the 6 week period in s.288(3) of the Town and Country Planning Act 1990 is absolute - see Griffiths v. Secretary of State for the Environment [1983] 2 AC 51.

5. The 6 week period is stated to be that period "within 6 weeks from ... the date on which the action is taken", i.e. within 6 weeks from 20th September 1994. This expires at midnight on 1st November 1994, as the period "within 6 weeks from ..." excludes the date of the action, here the date stamping of the decision letter. See notes to Order 3, rule 2, RS2, para.3/2/2 in Volume 1 of the White Book 1995, and Halsburys Laws, 4th edition, Volume 45, para.1134 and cases there cited.

6. The date for the Notice of Motion to be effective in law is the date of entering it at the Crown Office, i.e. here on 1st November.

7. For the above reasons, the conclusion I read is unfortunately that the Notice of Motion is not time barred.

JOHN STEEL Q.C.

**4/5 Gray's Inn Square
London WC1R 5AY**

29 November 1994

jbs\segall