



Public Law Project

30 October 2013

JR consultation alert.

The latest statistical assertion made by the MoJ, regarding growth in judicial review claims, questioned by PLP.

On 29 October, the policy team at the Ministry of Justice held a web chat ‘to give [those responding to the consultation] an opportunity to comment and ask questions on a proposed package of reforms governing the process of judicial review.’

The chat can be viewed here:

<http://www.justice.gov.uk/ministry-of-justice-webchats>

Richard Mason, Deputy Director – Administrative and Civil Justice, leading on JR reforms responded to a question challenging the MoJ’s assertion regarding the rise in civil JR claims as follows:

“... There’s actually been a 27% increase in non-immigration and asylum cases - from around 2,300 in 2007 to around 3,000 in 2012...”

To test this assertion, we analysed the complete database from the Administrative Court published here:

<https://www.gov.uk/government/publications/court-statistics-quarterly-jan-mar-2013>

(You click on the judicial review zip file link to get the relevant excel files).

We looked at all 12434 issued JRs in 2012, and divided them according to subject matter into three sections: Civil JR, Criminal JR and Immigration/Asylum-related JRs.

We are perplexed as to how the figure of 3000 mentioned above has been arrived at. According to our calculation, and based on the MoJ’s own figures and records, we counted 406 criminal JRs and 9868 Immigration/Asylum related JRs. The remaining total for non-immigration related civil JRs is accordingly 2160. This is 840 cases below that claimed by the MoJ.

The table below shows the breakdown of all cases by individual categories, in three sections. Where we were in doubt, we included certain case categories that are already being transferred to tribunals

(or where transfer is likely to happen in the coming year) in the civil JR column. These are: age assessment, immigration detention and naturalisation and citizenship (totalling 99 cases).

Civil		Criminal		Immigration / Asylum	
Age Assessment (of which 12 were transferred)	39	Anti-Social Behaviour Order	3	Asylum Fresh Claim	567
Agriculture & Fisheries	3	Bail	21	Cart - Immigration	138
Animals	8	Cautions	1	Fresh Claim NOT Mandatory Transfer	253
Armed Forces	8	Contempt	1	Human Rights Fresh Claim	122
Asylum Support	28	Committal for Trial and for Sentence	6	Immigration Asylum Only	2519
Broadcasting	5	Costs and Legal aid (Criminal)	17	Immigration Not Asylum	6269
Bye-Laws (?)	1	Criminal Cases Review Commission	26		
Caravans and Gypsies	4	Criminal Fine Enforcement	1		
Care Standards	29				
Cart - Other	7	Criminal Law (General)	93		
		Crown Court	43		
Child Support	11	Custody Time Limits	8		
Community Care	76	Decision as to Prosecution	1		
Companies	2				
Consumer Protection	4	Evidence	4		
Coroners	14	Extradition	18		
Costs and Legal aid (Civil)	28	Extradition Part 1, 2	8		
		Financial Penalties – Enforcement	14		
County Court	50	Firearms	4		
CICA	4				
Disciplinary Bodies	115	Jurisdiction (Crown Office)	7		
E.C.	4	Magistrates Courts Procedure	68		
Education	99	PACE	26		
		Pollution	6		
Elections	3	Proceeds of Crime Act	4		
Employment	17	Public Order Act	1		
FCYP	117	Sentencing	13		
		Statutory Nuisance	2		
Food and Drugs	2	Terrorism	10		
FOIA	9				
Health and Safety	7				
Highways	5				
Homelessness	112				

Housing	141				
Housing Benefit	12				
Immigration Detention	13				
Inquiries	7				
Land	29				
Licensing	29				
Local Government	42				
Mental Health	28				
Naturalisation and Citizenship	47				
Parole	11				
Police (Civil)	119				
Prisons	436				
Prisons (not parole)	30				
Public Funding and Grants	12				
Public Health (Not Disciplinary matters)	12				
Public Utilities (include OFTEL etc)	11				
Rates/Community Charge/Council Tax	26				
Road Traffic	29				
Social Security	35				
Solicitors Regulation Authority	3				
Tax	54				
Town and Country Planning	188				
Trade and Industry	14				
Transport - Not RTA	14				
VAT	7				
TOTAL civil	2160	TOTAL criminal	406	TOTAL I and A	9868