

Introduction to Judicial Review

Practice and Procedure

What are you challenging?

- What is the decision?
- If actual decision, consider limitation period
- Ongoing failure
- Request new decision to stop the clock and extend limitation where appropriate

Letter before Claim

- Precedent in JR Pre Action Protocol Annex A
- Action expected – confirmation and action itself
- Time limit – can shorten in urgent cases
- Say if intend to seek interim relief

Response to LBA

- If
 - (a) unsatisfactory
 - (b) no response received by deadline

consider issuing proceedings

- Chase if time and put on notice you are planning to issue

Preparing to issue

- Instruct counsel
 - Seek advice on merits
 - Instruct to draft statement of facts and grounds
- Witness statements as supporting evidence
 - If want to introduce p/p correspondence, solicitor can do W/S exhibiting this and guiding judge through it
 - Good to have W/S from client.
- Claim Form (N461)
 - Refer to letter containing decision being challenged

Regionalisation

- 2009 PD 54 Admin Court (Venue) effected
- Can now issue and administer JR cases in either London or District Registry (B/ham, Cardiff, Mcr or Leeds)
- Expectation is to issue in region with which C has the closest connection
- N461 asks whether claim issued in region with closest connection.

- Court will take into account other considerations
 - Reason of any party for other venue
 - Region where C's legal representatives based
 - Ease and cost of travel to hearing
 - Media interest in particular locality
 - Capacity, resources & workload of particular court
- Either party can apply for transfer of venue or give reasons for keeping venue issued in (N464)

Issuing

- Bundle of documents – use checklist in N461
 - LSC certificate
 - Essential reading
 - Authorities? (statutes, regulations and cases)
 - Paginate and index to assist court
- Form N463 – if asking for urgent consideration
 - Set out interim relief sought
 - Draft order

- Make sure you have:
 - N461
 - N463 (if necessary) & draft order
 - Grounds (if separate from claim form)
 - Cheque for court fee - £60, HMCTS
 - Bundle of accompanying documents & index
 - List of essential reading

Service

- Send N461, 463, grounds and draft order to D before issuing if seeking interim relief
- Need to serve sealed claim form on other parties, make sure you provide enough copies to the court for sealing for all parties and yourself
- Lodge 2 copies of the documents with the court
- Serve bundle and sealed claim form on parties
- File certificate of service with court w/in 7 days

Permission

- Single judge considers application and either grants or refuses request for permission to commence JR proceedings
- If permission is refused, can request an oral hearing to consider permission again.
- Judge may order a “rolled up” hearing which will begin by considering permission and proceed to full hearing immediately afterwards if granted.

Permission granted

- If permission is granted, the claim goes to a full hearing on its merits.
- Send further cheque for £215. If rolled up hearing, give undertaking to pay this.
- Counsel to draft skeleton argument – elaborates on grounds. Some grounds look like skeletons – beware
- Bundles updated if necessary, 2 copies to court
1 to each party

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