

Judicial Review: Procedure Guide

/ About this guide

Complaints about public authorities (e.g. a local council or government department) acting unfairly or unreasonably can be dealt with in a number of ways, including complaints procedures and through ombudsmen schemes. However one of the most effective ways is to use a court procedure called 'judicial review'.

This guide explains more about the seven stages in a judicial review court case; from when you initially instruct us through to the final hearing and any appeal. However, it is important to remember that the vast majority of judicial review cases are resolved at stages one or two.

1. Before the court case begins
2. The initial 'permission' application
3. Urgent cases
4. What happens next if 'permission' is refused?
5. What happens next if 'permission' is granted?
6. The final hearing
7. What happens after the final hearing?

If you are considering judicial review proceedings the solicitors in our Public Law and Human Rights Team are always happy to discuss potential cases and explain more about what is involved and can be contacted at publiclawteam@pierceglynnc.co.uk or on 020 7407 0007.

/ 1. Before the court case begins

We begin by speaking to you about the background to the case, either face to face or, where appropriate, by telephone or email. It will help us if you can collect together any background documents and email or post them to us before this initial meeting. Or, if that is not possible, please bring them to the initial meeting and we will make copies.

If you are entitled to legal aid we will help you complete a legal aid application form and submit this for you.

If the case is urgent and strong enough, we can immediately grant emergency legal aid. If legal aid is not available we will discuss with you other ways of funding the case. If you are not entitled to legal aid we agree to provide a free initial consultation to provide advice about whether judicial review may be appropriate and alternative ways of funding a case.

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We then begin to investigate your case and obtain relevant evidence. In some cases we may also ask a specialist barrister to provide an initial report to help us work out whether the case is likely to succeed. We will then write to you with our initial advice.

If we think the case is likely to succeed we will then send a letter to the public authority in question explaining that you are considering bringing a judicial review case and why and what the public authority will need to do if they want to avoid this. We call this a 'letter before claim'.

The public authority will normally be given 14 days to respond. Many public authorities will back down at this point – so many judicial review claims are resolved quickly and cheaply. Public authorities who refuse to back down have to explain why they are refusing to do so. They also have to say whether they would agree to mediation or any other way of resolving the dispute.

If the public authority refuses to back down we will provide you with a copy of their reasons for refusing to do so. We will also advise you whether we still think the judicial review claim is likely to succeed. You can then make a decision about whether you want to go ahead with a judicial review court case.

/ 2. The initial 'permission' application

We will prepare witness statements explaining the background to the case and highlighting relevant documents. We will also ask a specialist barrister to prepare a document called a 'Claim Form', which will set out the legal arguments.

Once these documents have been checked and signed they are submitted to your nearest Administrative Court. There are Administrative Courts in London, Birmingham, Cardiff, Leeds and Manchester. Administrative Courts are special courts set up specifically to deal with judicial review cases.

The documents we submit to the court are also sent to the opponent and anyone else who is directly affected by the case. The opponent is then given 21 days to confirm whether the claim is opposed and, if so, to provide a summary of their reasons for opposing the claim. The opponent will provide this information a document called an 'Acknowledgment of Service'.

The opponent's Acknowledgment of Service is sent to the court and to us. When we receive it we provide you with a copy. If we think there is something misleading or inaccurate in the opponent's summary we will tell the court.