Judicial Review: Law & Practice

Second Edition

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PREFACE

The advent of the regionalisation project of the Administrative Court was the catalyst that led to the first edition of this book. Indeed, it was now some six years ago, while we were both discussing the embryonic stages of establishing the Northern Administrative Law Association (NALA) at Kings Chambers, Manchester that it was plain that there was a gap in the market: a book that provides a comprehensive introduction to the law and practice of judicial review proceedings together with in-depth analysis of areas where judicial review is readily used as a mean of redress, including town and country planning, community care and social welfare, immigration, housing, mental health, education and licensing.

The first edition sought to provide a wide-ranging coverage of administrative law and its niche practice areas including essential procedural rules, forms and guidance issued by the Administrative Court. The second edition seeks to update practitioners on the specific practice areas while building upon the foundations and principles of judicial review in Part One.

There is no doubt that the regionalisation of the Administrative Court has been a success. With the six-year anniversary fast approaching it is important to remember its rationale. The report of the Judicial Working Group convened by then Vice-President of the Queen’s Bench Division (now President), May LJ in January 2007 stated:

‘The present system discriminates against those who are not in the South of England. Nearly all judicial review and other claims in the Administrative Court have to be brought in London, with the obvious inconvenience and additional expense that this causes for claimants, defendants, interested parties and their lawyers. Proper access to justice is not achieved if those in the regions can only bring judicial review and other claims in the Administrative Court in London.’

The position was aptly summarised by Sarah Nason and Maurice Sunkin (2013) 76(2) MLR 223–53 at 250:

‘The establishment of regional centres for handling Administrative Court matters and enabling regional access to judicial review, while achieved as an administrative change, is a potentially significant step in the development of judicial review in England and Wales. It creates a new procedural architecture for dealing with judicial reviews and marks an additional welcome step away from the highly centralist conception of the judicial review system epitomised by...’
Lord Dipock’s judgment in *O’Reilly v Mackman*. As such regionalisation recognises the need to improve the ability of citizens from across England and Wales to gain access to public law redress.

At an event hosted by NALA at Kings Chambers marking the anniversary of the regionalisation project, Langstaff J, former Presiding Judge of the Leeds and Manchester Centres, noted that: ‘The future is the Admin Court; it gives a tremendous social advantage to those who want access to justice.’ We wholeheartedly agree.

We wish to thank the co-authors for their dedicated and excellent contributions, each being highly experienced in the topics that they have covered. We have endeavoured to state the law as at 1 December 2014. We hope that this book provides an indispensable source of reference and a guide.

For our part, this experience has been a pleasure, albeit as with all projects of substance, somewhat time consuming.

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