

How to .. some tips for the Administrative Court user

Probably the biggest tip is become familiar with the Administrative Court Judicial Review Guide. It gets updated every year. It has the backing of the Senior Judiciary and has been mentioned in cases as a valuable resource.

It can be found online from the Administrative Court page on the judiciary website.

This can be found at <https://www.judiciary.uk/courts-and-tribunals/high-court/administrative-court/>. There are other links there for useful information.

Before you start:

Is judicial review the right remedy?

There are multiple methods of securing what you need within the relevant statutory procedures. Requests for review, appeals to the County Court, applications for stays on eviction etc. There are also non-statutory alternatives such as a local authority's complaints procedure, referral to the Local Government and Social Care Ombudsman.

Starting

A big tip:

Get yourself good pdf editing software and learn how to use it!

Follow the guidance issued by the Administrative Court. It is currently in Annex 7 of the 2023 guide.

You can reduce the size of documents by:

1. Using originals rather than scanned documents.
2. Correct settings when you scan.
3. Do you really need the picture? Especially when reproducing guidance etc;
4. Do you really need the whole document?
5. Once you have put it together, optimise it.
6. Make sure all the pages are the same size.

Whilst the requirement to file a bundle in this form strictly only applies to the claim bundle you should do it if you are filing anything else which has multiple documents: so Acknowledgment of Service for the defendants, a subsequent application for anything.

Go to the right place

If the challenge is to a local authority decision you will be expected to file in the region in which that local authority is, unless there is a really good reason.

If it's a Welsh local authority you have to go to Cardiff (CPR 7.1A).

Filing

The first filing of the claim is probably best done electronically.

Please file a separate unbundled copy of the claim form. This is so our electronic system can seal it.

Urgent application

Look at parts 16 and 17 of the guide.

Is your application actually urgent?

It is tempting when you are dealing with a homeless or potentially homeless person to regard the case as urgent. Be realistic.

If it is be realistic about the timescale.

What do you want and when do you want it?

It is not just about when you want the interim relief. It is about when a judge has to look at it to bring about the way the case is to be dealt with. If a judge has to look at it within 7 days it has to be by N463. Otherwise it should be an N244.

But if you don't want to wait until we get round to referring it for permission you will need to alert the office separately. Add it to a letter accompanying the claim.

It is vital that you remember the duty of candour.

After filing

Make sure you serve promptly. If you have asked for the case to be speeded up then you need to act promptly yourself.

Note: [R \(oao The Good Law Project\) v Secretary of State for Health and Social Care \[2022\] EWCA Civ 255](#)

As of October last year the Supreme Court granted permission to appeal. Last I heard it was due for hearing in October 2023. That is not to say that the decision will be different and of course until the SC delivers judgment it remains good law.

Note also the unnumbered Practice Direction “Claims Relating to EU and EEA EFTA Citizens’ Rights Under Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement”. Comes into force on 1 October 2023.

If you need to add something else or amend something you will always need to apply. Even if it is a document that you said in the claim form you couldn’t file.

Replies

Currently no right to reply. They will usually be unnecessary.

At the moment you should apply if you need to reply. We won’t wait, especially if you have already applied for it to be expedited.

However the Government has committed to introducing a right to reply in its response to the independent review on judicial review. If they do so it is likely that there will be an extremely short time limit. If you fail to get it in in that time limit you will have to apply to extend the time.

Communicating with the court

Remember CPR 39.8. Anything other than routine must be copied to the other side. With email that is often something as simple as copying them in.

Hearings

Even if you haven't been ordered to provide a bundle for a hearing it is usually best to prepare one. It needs to be with the court as soon as possible and preferably at least 7 days before the hearing.

Agree it if you can. If you can't then say why you haven't been able to. Include anything filed by any other party and generated by the court, unless it is not relevant.

Generally the court will want a hard copy for each judge.

General tip

Keep an eye on the Civil Procedure Rules. They are currently hosted on <https://www.justice.gov.uk/courts/procedure-rules/civil>.

The Rules Committee is engaged in a simplification process. This is resulting in things being changed but also being moved about. Whilst the substance is not supposed to be changed by the changes it can change emphasis.