



JUDICIAL REVIEWS:

A brief guide

BHATIA BEST
SOLICITORS

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WHAT IS A JUDICIAL REVIEW?

Judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body.

Public bodies are required to follow a variety of legal obligations when making decisions that affect the services they provide. A failure to do so renders any subsequent decision potentially unlawful.

THE GROUNDS FOR CHALLENGE

Decisions by public bodies can be challenged on a number of grounds.

For example if,

- the public body does not have the power to make a particular decision
- the public body used a power which it does have for an improper purpose
- the decision is irrational
- the procedure followed by the public body is unfair or biased
- the decision taken is in breach of the Human Rights Act
- the decision taken is in breach of European Community Law
- the public body failed to comply with one of its legal duties, for example, the public sector equality duties.

BODIES THAT CAN BE JUDICIALLY REVIEWED

The following are examples of the sort of bodies that can be reviewed:

- Government ministers and departments
- Local authorities
- NHS trusts
- Schools and school governing bodies
- The Crown Prosecution Service
- Social Services and Adult Services
- Chief constables and the Prison Service
- Quangos
- Magistrates, coroners and county courts
- Regulatory bodies
- Some tribunals
- Certain decisions of the immigration authorities



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REMEDIES

- **Quashing orders:** the original decision is declared invalid and the public body has to make a fresh decision.
- **Prohibiting orders:** the public body is forbidden from doing something unlawful in the future
- **Mandatory orders:** the public body is ordered to do something specific which it has a duty to do
- **A declaration,** for example on a way to interpret the law in the future or a declaration that laws are incompatible with the Human Rights Act
- **Compensation** is rarely provided in public law but damages can be awarded, for example where a public body has breached an individual's rights under the Human Rights Act.



FUNDING YOUR JUDICIAL REVIEW

LEGAL AID

If you are affected by a public body's decision and are in receipt of means tested benefits (such as income support, income based job seekers allowance or guaranteed state pension credit) and your claim has a reasonable chance of success, you are likely to be eligible for legal aid.

If you receive other benefits or are on low income, you may also qualify for legal aid.

We can assist with an assessment of your means to decide if you would qualify.



OTHER FUNDING OPTIONS

If you do not qualify for legal aid, there are other ways of funding your case which may be available.

We can discuss these options with you without any obligation.

We strive to find a way to ensure that cases with good merit can be pursued to achieve results.

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OUR EXPERIENCE

Bhatia Best have a dedicated department that have many years experience of conducting court proceedings in the High Court, Court of Appeal and Supreme Court including urgent 'Duty Judge – Out of Hours Applications' and Interim Relief.

We have achieved a number of landmark decisions in cases involving children and young people in care. We have also helped the elderly and the disabled to secure the services they need.

ACT QUICKLY

If you think you have a claim against a public body, it is essential that you do not delay. You are expected to make a challenge within weeks of the decision you think is wrong.

The latest date you can bring a Court action for a judicial review is normally 3 months from the date of the decision. But in many cases we are able to find ways to bring successful claims at a later date, so don't let these rules deter you. Contact us immediately.

To discuss your case further, contact our Public Law Team for a free initial discussion.

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