

Judicial Review: Advisers' Checklist

/ About this checklist

Judicial reviews are court cases in which a judge is asked to resolve a dispute about whether a public authority has acted unlawfully.

For advisers with little experience of judicial review, working out whether judicial review might be appropriate can be difficult. Sometimes judicial review is overlooked. Sometimes it is considered too late in the day.

This checklist sets out six key points which should make it easier to work out whether judicial review might be appropriate and at what stage further advice should be sought:

1. Is the proposed opponent a public authority?
2. Which actions of public authorities can be challenged?
3. Are there grounds for challenging the public authority's actions?
4. Timing
5. Is there another way to resolve the dispute?
6. Who can bring a claim and how can claims be funded?

Where further advice is needed, or where advisers still aren't sure whether a judicial review case is the best way forward, the solicitors in our Public Law and Human Rights Team are always happy to provide free initial advice to campaign groups, advice agencies, and not-for-profit organisations. The Team can be contacted at publiclawteam@pierceglynnc.co.uk or on 020 7407 0007.

/ 1. Is the proposed opponent a public authority?

Judicial review can only be used to challenge the actions of public authorities. However, it is important not to jump too quickly to the conclusion that judicial review is inappropriate because there is no relevant public authority.

Central government departments, local councils, healthcare bodies (for example, NHS Trusts, PCTs and Strategic Health Authorities), the police, ombudsmen and schools are all public authorities.

There are also some less obvious examples where an organisation may claim that they are not a public authority, but where there is still scope to bring a judicial review case against them because they carry out public functions; for example utility companies, housing associations and regulatory bodies.

It is also important to remember that whilst judicial review cannot be used to directly challenge the actions of private individuals and private bodies, judicial review may