

Judicial Review A Practical Guide

Third Edition

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With a Foreword by Sir Adrian Fulford



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PREFACE

Since the last edition of this book, judicial review has continued to play a unique constitutional role in enabling the courts to determine whether government is acting lawfully. For example, the ‘Brexit’ judicial review enabled the courts to prevent the executive restricting the proper role of Parliament. That is not undemocratic as it is merely requiring decision-makers to act lawfully.

One consequence of the way in which government has been held to account is that the role of judicial review has become more controversial. The most notorious example of attacks on judicial review was the headline in the *Daily Mail* referring to judges as ‘enemies of the people’. However, it is not only the media who have made these attacks. Former Lord Chancellor, Chris Grayling MP, introduced amendments to the Senior Courts Act 1981 intended to restrict the scope of judicial review.

The attacks on judicial review demonstrate what a powerful tool it is. If it were ineffective, government would not be interested in it. As a consequence, understanding judicial review and its significance for our democracy is more important than it has ever been. Almost all lawyers will act for clients who find that their actions are affected by government. A further important development since the last edition of this book has been the publication by the Administrative Court of its Judicial Review Guide. Updated annually and available online, it provides helpful and clear answers to questions on current practice.

This book is intended to be a practical guide that will help those who are inexperienced through the process. That is important. Judicial reviews are unusual and so many practitioners will have little experience of them. The book should direct those new to judicial review through the steps required to ensure that a claim is presented effectively. However, we also hope that it will also prove to be a useful handbook for the more experienced.

We would like to thank all at Lexis for their hard work and tolerance of our delays, particularly Claire. We would also like to thank our colleagues at Matrix, Doughty Street and Garden Court for their support. We would also like to thank our partners and family: Jackie, Mo, Joby, Jessica, Sunday, Violet, Romilly, Kristin and Zia. Finally, we would like to thank Sir Adrian Fulford for his kind words.

We have endeavoured to state the law at 1 June 2017.

We have used the following abbreviations in the book:

CPR: Civil Procedure Rules 1998

HRA 1998: Human Rights Act 1998

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