

Judicial Review Procedure

In 2004, the Commission published a Report on [Judicial Review Procedure](#) (LRC 71-2004), which followed a 2003 [Consultation Paper](#) on this topic. Judicial review is a procedure for ensuring procedural fairness in individual cases and also, more widely, of calling ministers, local authorities and other public bodies to account. The Report examines the long-established conventional judicial review procedure as well as numerous special statutory regimes in such fields as planning and refugees. In conventional judicial review, the Report recommends retention of the leave stage and the ‘arguable case’ test. In the context of statutory schemes for judicial review, the Report recommends the retention of the leave stage and of the higher standard of ‘substantial grounds,’ which it considers is justifiable. A number of recommendations concern time limits in judicial review procedure, greater use of case management and the awarding of costs. The Report did not recommend the introduction of an ‘Administrative Court’ or of a ‘single order’ in judicial review cases.