

Director:  
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**Bingham Centre**

## PRESS RELEASE

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### Judicial Review and Legal Aid: Bingham Centre recommendations taken up by the Joint Committee on Human Rights

The Joint Committee for Human Rights (JCHR) has made several recommendations taking up suggestions made by the Bingham Centre for the Rule of Law, including recommendations relating to defendants in judicial review proceedings. The JCHR's report, *The implications for access to justice of the Government's proposals to reform judicial review*, considers the government's proposed changes to judicial review, including providing legal aid for judicial review.

#### Recommending that costs be recoverable from defendants who unsuccessfully resist permission, the JCHR states:

*"As the Bingham Centre Report points out, the Government's proposed reforms are, without exception, about restricting access to judicial review for claimants. However, defendants to judicial review claims can also be responsible for unnecessary cost and delay .... The Bingham Centre points out that 'permission is routinely resisted when defendants [...] are well able to see that there is no knock-out blow.'"*

*"We welcome the Bingham Centre Report as an important contribution to the debate about possible reform of judicial review, demonstrating that the perennial problem of reducing the cost and delay of judicial review proceedings can be addressed in ways which are compatible with effective access to justice. ... We recommend that the Government give careful consideration to the Bingham Centre's recommendations." (JCHR report, p 35)*

#### The Bingham Centre's *Streamlining Judicial Review Report* states clearly the importance of judicial review:

*"Judicial review is the mechanism by which the courts hold public authorities to account for the legality of their conduct. It is the reason we can be confident that Ministers and other public bodies will do what parliament has authorised and required them to do, and act in accordance with their common law duties. It is the mechanism by which individuals and businesses are protected from official or regulatory action that is unreasonable or unfair, arbitrary or abusive, unjustified or disproportionate. It ensures that the officials and bureaucrats who exercise public power are subject to the law, rather than being a law unto themselves. An effectively functioning system of judicial review is central to the rule of law."*

ENDS

#### NOTES TO EDITORS

1. The Bingham Centre is a London-based independent research institute devoted to the study and promotion of the rule of law worldwide. Its Director is Professor Sir Jeffrey Jowell QC. It is part of the British Institute for International and Comparative Law, a registered charity based in London.
2. The Bingham Centre for the Rule of Law conducted an independent review of judicial review procedures, chaired by leading public law barrister Michael Fordham QC (Blackstone Chambers) who is a Fellow of the Bingham Centre. The aim of the review was to consider practical ways of making procedures in the Administrative Court more efficient, saving public funds yet maintaining the standards of the rule of law. The report, *Streamlining Judicial Review in a Manner Consistent with the Rule of Law*, was published in February.
3. Download the full report at [http://www.biicl.org/files/6813\\_bingham\\_jr\\_report\\_web.pdf](http://www.biicl.org/files/6813_bingham_jr_report_web.pdf)



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