

Judicial Review

Lord Judge, the Lord Chief Justice of England and Wales, made a Direction with effect from 3 November 2008 transferring two classes of action for judicial review from the High Court in England and Wales to the Upper Tribunal.

The two classes are:

- Appeals against decisions on review under the Criminal Injuries Compensation Scheme
- Reviews of decisions of the First-tier Tribunal made under the new Tribunal Procedure Rules for the Tribunal where there is no right of appeal to the Upper Tribunal against the decisions.

There is a more general power to transfer other judicial review cases in England and Wales to the Upper Tribunal if certain conditions are met. The main condition is that the case is headed by either a High Court Judge or a judge specifically nominated to hear these cases. The conditions are set out in section 18 of the 2007 Act. Cases involving tax issues will be heard in the Upper Tribunal Tax and Chancery Chamber, and all others in the Administrative Appeals Chamber. When deciding judicial review cases in England and Wales, the Upper Tribunal judges are required to apply the same principles of law as the High Court..

Judicial review cases in Scotland go to the Court of Session and those in Northern Ireland to the Northern Ireland High Court where the principles and procedures of those courts apply. .

In all cases, you must have permission from either the High Court (or Scottish or Northern Irish courts) or the Upper Tribunal to bring an action for judicial review. And you must show that you have a sufficient personal interest in the matter that you seek to challenge. You must also make any application without undue delay. Forms for cases from England and Wales are available from our office or on the Forms page of this website.

The Upper Tribunal does not have the powers of the High Court to hear challenges against Acts of Parliament under the Human Rights legislation. If the Upper Tribunal does not have power to decide a particular judicial review case, it will refer it to the High Court (or the courts in Scotland or Northern Ireland) for decision.

Relevant legislation and guidance

[Tribunals, Courts and Enforcement Act 2007 sections 15-21](#)

[Lord Chief Justice's Direction](#)

[Practice Statement on First Tier Tribunal Criminal Injuries decisions without a right of appeal](#)