



## **JUDICIAL REVIEW IN THE UPPER TRIBUNAL (ADMINISTRATIVE APPEALS CHAMBER) Criminal Injuries Compensation cases**

### **Information Notes and Guidance for completing Claim Form JRC1**

These notes give outline information about the remedy of judicial review in a criminal injuries compensation case. They explain what will happen to a judicial review case in the Administrative Appeals Chamber of the Upper Tribunal once you have completed a Claim form including the main stages that normally take place before the judge finally decides the case. **However, it is only a guide and does not have legal status. It does not cover all aspects of every situation, nor does it provide a full interpretation of the procedural rules.** If you need help understanding the procedure or in completing the **Form JRC1** you may wish consult a solicitor or your local Citizen's Advice Bureau or similar advice agency.

The notes should also help you to complete the **Form JRC1**. You should read the notes to each section of the form carefully before you begin to complete that particular section. **NB: Form JRC1 is to be used to start a judicial review case in the Upper Tribunal (Administrative Appeals Chamber) only where you wish to challenge a criminal injuries compensation decision of a First-tier Tribunal.** If you wish to challenge any other decision of a First-tier Tribunal where there is no right of appeal you should use **Form JR1** instead.

#### **A. Information**

##### **Judicial Review in the Administrative Appeals Chamber of the Upper Tribunal in a criminal injuries compensation case.**

There is no right of appeal against the decision of a First-tier Tribunal in a criminal injuries compensation case. Judicial review is the only remedy available to challenge such a decision.

Judicial review in the Upper Tribunal is a two- stage process. You must obtain permission from the Upper Tribunal judge before your claim for judicial review can progress to the next stage. **Form JRC1 is for both stages.** The rules governing judicial review are set out in the Tribunal Procedure (Upper Tribunal) Rules 2008, SI 2008 No 2698 (the 2008 Rules). You should always ask, in time, for a written statement of the reasons for the decision of the First-tier Tribunal before you apply for judicial review. You will be told by the First-tier Tribunal how to do this.

##### **The application for permission stage.**

Once you have completed a **Form JRC1** and sent it to the office of the Administrative Appeals Chamber of the Upper Tribunal, our office will write to you to tell you it has been received. They will tell the Criminal Injuries Compensation Authority (CICA) that you have made a claim for judicial review but CICA will not usually comment at this stage. The office will also copy your Form JRC1 and any documents you sent with it to the First-tier Tribunal and ask them to send us the documents from the hearing before the First-tier Tribunal and to let our office know if they wish to take any part in the proceedings. It is very unlikely that they will wish to do so. When our office

have received the First-tier Tribunal documents your file will be sent to the Upper Tribunal judge who will normally decide whether to grant or refuse you permission to bring judicial review proceedings without having an oral hearing at that stage. If you are refused permission without an oral hearing you will be sent a letter inviting you (within 14 days) to ask for an oral hearing. This is called a “renewed application”. If you ask for an oral hearing the office will let you know where it is to be held and other details.

### **What happens if you are refused permission to claim judicial review after an oral hearing?**

If you are refused permission to apply for judicial review after there has been an oral hearing you will be sent an information sheet setting out your right to apply for setting aside or to seek permission to appeal to the Court of Appeal.

### **What happens if you are granted permission to claim judicial review?**

If you are granted permission, either initially or after an oral hearing, the judge will give Directions about the way in which the case will be managed. Normally CICA will be given five weeks to make observations about your case and you will then be given an opportunity to reply. The judge will then decide whether there should be an oral hearing and will give a decision in your case. You and all the other parties (CICA and the First-tier Tribunal) will be sent a copy of the judge's decision and you will be told about your right to seek permission to appeal to the Court of Appeal.

## **B. Completing the Claim Form JRC1 .**

Use a separate sheet if you need more space for your answers, marking clearly which section the information refers to and putting your name at the top of the sheet. Complete **Form JRC1** as fully as possible and provide what documents you have. If you do not have all the documents or information you need for your claim, you must not allow this to delay sending or taking the form to the Upper Tribunal office within the correct time.

### **Time limit for the Claim Form to be filed**

**Form JRC1** must be sent or delivered to the office of the Administrative Appeals Chamber of the Upper Tribunal so that it is received **no later than three months** after the date of the First-tier Tribunal decision (rule 28(2) of the 2008 Rules). You may also make a judicial review application within **one month** of the date you were sent written reasons for the decision (or were notified that an application to set aside which was made in time was not successful).

### **How to file your judicial review claim form**

Your claim form **JRC1** and supporting documents must be sent or delivered to:

The Upper Tribunal (Administrative Appeals Chamber),  
5<sup>th</sup> floor, Chichester Rents,  
81 Chancery Lane,  
London WC2 1DD  
Fax:(for urgent cases only) 020 7911 7093

If the First-tier Tribunal hearing you seek to challenge was in **Wales**, or you live in **Wales**, you may **either** send the form to the London address **or** to:

The Administrative Appeals Chamber of the Upper Tribunal (Wales),  
Civil Justice Centre,  
2 Park Street,  
Cardiff, CF10 1ET.

## **How to complete the Form JRC1 in detail**

### ***Sections 1 and 2: Details of the applicant(s) and any representative***

***In section 1 of the form*** please tick the “claimant” box to show that you are the person who claimed criminal injuries compensation. You will see that there is also a box for CICA to tick if they wish to apply for judicial review in a particular case. Please leave this box blank.

***In section 2*** please give your full name(s) and address and the full name and address of any representative. If you have a representative our office will send all documents relating to the judicial review to your representative. If you do not have a representative our office will send documents to your usual address unless you give us a different address. Please include contact information e.g. telephone numbers and email addresses and any reference number for a representative (rule 28(4) of the 2008 Rules).

### ***Section 3: Details of the decision to be judicially reviewed***

Please give details of the decision you seek to have judicially reviewed. Give the date of the decision was made; the First-tier Tribunal’s reference number (if there is one); the place where any oral hearing took place and the details of any written statement of reasons for the tribunal’s decision.

Please will you also give the Criminal Injuries Compensation Authority’s reference number for your case. If you do not have a written statement of reasons for the decision of the First-tier Tribunal please say why not here.

### ***Section 4 Details of any delay in applying for judicial review***

If your application for permission to bring judicial review proceedings is late you should complete this section and say why you are late (rule 28(7) of the 2008 Rules).

### ***Section 5 Detailed statement of grounds and facts relied on***

In this section you should set out, in detail, the grounds on which you rely to show that the decision of the First-tier Tribunal was wrong and should be set aside or varied and the facts on which you rely (rule 28(4) of the 2008 Rules). You will need to show that the First-tier Tribunal made a legal or procedural error. It is not enough merely to say that they came to the wrong factual conclusion.

### ***Section 6 Declaration of truth, claim for judicial review and supporting documents***

If you are an individual you must sign and date the form authorising your representative (unless your representative is a solicitor or barrister who is completing and signing the form for a client).

Tick the boxes to indicate the documents you are enclosing. You should try to enclose the documents asked for but **do not delay filing your claim for judicial review**. If you have not been able to obtain any of the documents listed in this section within the time limits referred to complete the form as best you can and ensure the claim is filed on time.