



JUDICIAL REVIEW IN THE UPPER TRIBUNAL (ADMINISTRATIVE APPEALS CHAMBER) Claim Form JR1 Notes for Guidance

These notes are to help you complete the **Claim Form, JR1**. You should read the notes to each section carefully before you begin to complete that particular section.

NB: Use Form JR1 to start a judicial review case in the Upper Tribunal (Administrative Appeals Chamber) unless you wish to challenge a criminal injuries compensation decision of a First-tier Tribunal when you should use Form JRC1. Please see below for the other kinds of case which can be challenged by judicial review in the Upper Tribunal.

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. 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.

Complete the form as fully as possible and provide what documents you have. The notes to **section 9** will explain more about what you have to do in these circumstances. If you need help to complete the form you may wish consult a solicitor or your local Citizen's Advice Bureau.

Judicial Review in the Administrative Appeals Chamber of the Upper Tribunal

The types of judicial review cases that may be started in the Upper Tribunal under section 18 of the Tribunals, Courts and Enforcement Act 2007 are set out in the Practice Direction of the Lord Chief Justice at: <http://www.tribunals.gov.uk/Tribunals/Rules/rules.htm#pdspt>.

The Practice Direction makes it clear that **only decisions of a First-tier Tribunal where there is no right of appeal** can be challenged by judicial review proceedings in the Administrative Appeals Chamber of the Upper Tribunal. If you have a right of appeal to the Upper Tribunal you should use the appropriate UT appeal form on the website at <http://www.administrativeappeals.tribunals.gov.uk/FormsGuidance/forms.htm>.

If the decision of a First-tier Tribunal which you wish to challenge was made in a **criminal injuries compensation case, do not use this form but use Form JRC1** (on the website at <http://www.administrativeappeals.tribunals.gov.uk/FormsGuidance/forms.htm>)

Judicial review in the Upper Tribunal is a two- stage process. You must obtain permission before you can proceed to the next stage ("the substantive application"). Form JR1 is for both stages. The rules governing judicial review are set out in the Tribunal Procedure (Upper Tribunal) Rules 2008, §I 2008 No 2698 (the 2008 Rules).

Time limit for filing a claim

Form JR1 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 decision to which it relates (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) (rule 28(3) of the 2008 Rules).

Filing your judicial review claim form

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

The Upper Tribunal (Administrative Appeals Chamber),
5th floor, Chichester Rents,
81 Chancery Lane,
London WC2 1DD.
Fax:(for urgent cases) 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.

Section 1 Details of the applicant(s) and any representative

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)).

Section 2 Details of the respondent

As explained on Form JR1, the respondent will always be the First-tier Tribunal whose decision you wish to challenge. Give the name and address of the office of the First-tier Tribunal which sent you the decision.

Section 3 Details of the decision to be judicially reviewed

Give details of the decision you seek to have judicially reviewed. Give the date 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.

Section 4 Details of other interested parties

You must name as interested parties any other parties to the proceedings before the First-tier Tribunal (rule 28(5) of the 2008 Rules). Full details of interested parties must be included. For example, if you are making a claim for judicial review seeking to challenge the procedural decision of a First-tier Tribunal in a mental health case you should name the hospital authority and, if you are a restricted patient, the Secretary of State for Justice.

Section 5 Detailed statement of grounds

Set out, in detail, the grounds on which you contend the decision should be set aside or varied and the facts on which you rely (rule 28(4) of the 2008 Rules).

Section 6 Details of outcome

Complete this section stating what remedy you are seeking (see Tribunals, Courts and Enforcement Act 2007, sections 15 to 18 and rule 28(4) of the 2008 Rules):

- (a) a mandatory order; (b) a prohibiting order; (c) a quashing order; (d) a declaration;
- | (e) an injunction; (f) damages, restitution or recovery of a sum due; (g) interest.

Section 7 Delay in making the application

If your application for permission to bring judicial review proceedings is late you should complete this section and say why you are late.

Section 8 Other applications

If you wish to make any other applications in connection with your claim for Judicial Review, please complete this section and give your reasons.

In particular if you wish to apply for your case to be considered urgently please complete **section 8** giving your reasons.

Section 9 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 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.