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IMMIGRATION DIRECTORATES' INSTRUCTIONS

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CHAPTER 27
SECTION 2**THE JUDICIAL REVIEW PROCESS****1. THE CIVIL PROCEDURE (AMENDMENT NO. 4) RULES 2000**

1.1 These set out the new procedures for judicial review applications:

- ◆ A claim for judicial review must be filed promptly and not later than 3 months after the grounds for making the claim first arose;
- ◆ The claim must be accompanied by supporting documentation;
- ◆ The claim form must be served on the defendant (i.e. Treasury Solicitors) and other interested parties* within 7 days of issue;
- ◆ The Secretary of State must file an acknowledgement of service and, if he wishes to take part in the judicial review, set out a summary of his grounds for defence, within 21 days after being served with the claim form;
- ◆ The acknowledgement and summary grounds must be served on the claimant and any other interested party within 7 days of being filed at court;
- ◆ If the defendant does not file acknowledgement of service, he may not take part in a permission hearing without the agreement of the court;
- ◆ However, if permission to proceed is granted and the defendant files detailed grounds contesting the claim, he may take part in the hearing of the judicial review. **But note that the court may take the defendant's failure to file an acknowledgement of service into account when deciding what order to make about costs;**
- ◆ Where the court, without a hearing, refuses permission, it must serve a copy of the Order with reasons. The claimant may then within 7 days request reconsideration at an oral hearing and both sides will be given at least 2 days' notice of the hearing date;
- ◆ If permission is granted at an oral hearing, again the court must serve its reasons with the Order notifying the claimant of the outcome;
- ◆ Neither the defendant nor any other person served with the claim form may apply to set aside an order giving permission to proceed;
- ◆ Where permission has been granted, the defendant must within 35 days after service of the order giving permission submit detailed grounds contesting the claim with any written evidence;
- ◆ The court's permission is required if a claimant seeks to rely on grounds other than those for which he has been given permission to proceed;
- ◆ The court may decide the claim without a hearing if all parties agree.

*** NB The Secretary of State will be joined as an interested party where the challenge is against a decision of the Immigration Appeal Tribunal.**

2. THE ROLE OF THE JUDICIAL REVIEW MANAGEMENT UNIT

- ◆ When the Treasury Solicitor is served with a copy of the claim form, he will fax to the JRMU a standard letter containing details of the applicant, the IND reference number (or Port reference), the AO (Administrative Office – formerly Crown Office) reference number, the date of service and the Treasury Solicitor officer dealing with the case. The letter should also contain the last date for serving Acknowledgement of Service;
- ◆ On receipt of the standard letter, the JRMU will locate the file and allocate the case to a caseworker. **If a caseworker receives a written notice of service directly from a representative, he must immediately advise the JRMU, faxing the served papers. The serving of papers direct on caseworkers is not a proper service under the Crown Proceedings Act;**
- ◆ Caseworkers should contact the Treasury Solicitor as soon as possible to advise of the IND name and contact details of the person handling the JR application;
- ◆ Where the application for JR includes more than one issue, the JRMU in consultation will decide who should take the lead and it will be for that caseworker to obtain an appropriate contribution from other interested parts of IND within the timescale, and keep any other parties informed of progress;
- ◆ The JRMU will contact the caseworker a few days before the 21-day deadline is due to expire to ensure that the summary grounds and acknowledgement of service are filed in time. The caseworker should in any event keep the JRMU informed of progress;

If the applicant or his representative makes a threat of a judicial review application, the caseworker must notify the JRMU and explain what action is being taken.