

How to Get a Claim Off the Ground

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Landmark Chambers
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Topics



A. What do I need to issue the claim?

B. Where do I issue the claim?

C. What is the procedure at the permission stage?

A. What do I need?

- (i) Claim form (N461: x2 for court + 1 per D/IP + at least 1 for you)
- (ii) Statement of Facts and Grounds
- (iii) Claim bundle (can enclose SoFG) (x2 for court + 1 per D/IP)
- (iv) Fee (£140 to issue JR in Admin Court)

Key point to bear in mind

- JR is “a front-loaded process” for the Claimant
- In order to get permission you will need to present a well-argued claim supported by a well-organised bundle:
remember the first time it will be considered is on the papers.

(i) Claim Form



[Click here to reset form](#)

[Click here to print form](#)

Judicial Review Claim Form

In the High Court of Justice
Administrative Court

Notes for guidance are available which explain how to complete the judicial review claim form. Please read them carefully before you complete the form.

For Court use only	
Administrative Court Reference No.	
Date filed	



SECTION 1 Details of the claimant(s) and defendant(s)

Claimant(s) name and address(es)

name

address

Telephone no. **Fax no.**

E-mail address

Claimant's or claimant's solicitors' address to which documents should be sent.

name

address

Telephone no. **Fax no.**

E-mail address

Claimant's Counsel's details

name

address

Telephone no. **Fax no.**

E-mail address

1st Defendant

name

Defendant's or (where known) Defendant's solicitors' address to which documents should be sent.

name

address

Telephone no. **Fax no.**

E-mail address

2nd Defendant

name

Defendant's or (where known) Defendant's solicitors' address to which documents should be sent.

name

address

Telephone no. **Fax no.**

E-mail address

Contents of claim form

- Addresses for correspondence (C, D, IP)
- Explain any lack of compliance with the PAP
- Explain the region in which the claim is issued
- Exceptional Urgency? (N463 needed)
- If HRA 1998, list articles alleged to be breached
- Deal briefly with Aarhus Convention issues
- Set out the remedy sought, and any other applications

- The lengthiest section is the statement of facts and the statement of grounds. This is usually in a separate document, often drafted by counsel: the Statement of Facts and Grounds

(ii) Statement of Facts and Grounds

- This is the 'pleading' for the JR claim
- It is the main document on which the Judge will consider permission on the papers - very important to get it right
- Also important to make an impact as soon as possible

Statement of F&G - Some suggestions

- Keep facts as short as possible
- Set out key quotations (so that Judge doesn't need to flick to the bundle too much)
- Have references to the bundle of documents
- Chronology can be helpful
- Clearly express the legal merits of the case
- Set out the relief sought

(iii) Claim Bundle

CPR PD 54A 5.7:

- (1) any written evidence in support of the claim or application to extend time;*
- (2) a copy of any order that the claimant seeks to have quashed;*
- (3) where the claim for judicial review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision;*
- (4) copies of any documents on which the claimant proposes to rely;*
- (5) copies of any relevant statutory material; and*
- (6) a list of essential documents for advance reading by the court (with page references to the passages relied on).*

So, bearing in mind the “front-loaded process”



- Most crucially, decision documents; other witness statements and documents to be relied upon; include pre-action correspondence.
- Documents must support the Statement of Facts and Grounds
- Close liaison with Counsel helpful to keep bundle to a minimum, without missing out key documents
- NB:
 - Duty of candour v. need for proportionality;
 - Evidence in judicial review

B. Where do I issue the claim? (location)

- Claim can be issued in London, Birmingham, Cardiff, Leeds or Manchester
- Proceedings generally expected to be dealt with at the location with which the Claimant has the strongest connection
- Certain claims have to be dealt with in London
- Claims may proceed more quickly in non-London courts



In which court do I issue? (jurisdiction)



- Planning JRs now take place in the Planning Court, a Court within the Administrative Court
- Different claim form: N461PC
- Most immigration JRs now start in the Upper Tribunal
- Different claim form: T480
- NB different terminology!
- Some immigration cases still in High Court (including citizenship and unlawful detention)

NB. Needs to get to court counter...



Not the front door!



C. Procedure at Permission stage

- Permission is considered first on papers
- Judge should have
 - the Claim Bundle (incl. Statement of Facts and Grounds + Claim form)
 - Acknowledgment of Service (including Summary Grounds of Resistance)
- If the Judge grants permission on the papers, then proceeds
- Test = “arguable”; in practice threshold may be rather higher? N.B. s.31(2A) of Senior Courts Act 1981

Renewal to an oral hearing

- If permission refused, then (unless marked Totally Without Merit), Claimant can apply for an oral renewal hearing
 - Form 86B; within 7 days of service of order; fresh fee (£350).
- This is 30-minute hearing before Judge, seeking to persuade that arguable
- Should be supported by skeleton argument, filed 7 days in advance





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