

Media Release



The Judicial Review Process in Northern Ireland

Northern Ireland's Comptroller and Auditor General, Dorinnia Carville, has today (Tuesday 4 July 2023) published a report on 'The Judicial Review Process in Northern Ireland'.

The decisions of any public, private or voluntary body that is performing a public function can be the subject of a judicial review. A judicial review examines the legality of how a body arrived at its decision, not the merits of the actual decision itself.

Today's report provides a factual overview of the judicial review process in Northern Ireland, the number of judicial reviews, the outcomes, the time taken to complete judicial reviews and the associated costs.

The report found that in the majority of cases, judicial reviews do not find in favour of the applicant, with approximately 1 in 8 applicants (13%) being successful in their challenges to the legality of public bodies' decisions or actions.

Over the past six years, it has taken on average more than a year to progress through both stages of the judicial review process. Therefore, the time associated with the court proceedings, even when the applicant is unsuccessful, can create significant delay to public bodies progressing projects or decisions.

The report also found that data in relation to judicial reviews is not collated in a way that allows easy identification of the grounds on which a judicial review is taken, or subsequently granted, or the subject matter, such as major capital projects. In the absence of this information it is difficult to assess if lessons are being learned.

Commenting on the report Mrs Carville said:

"The judicial review process in Northern Ireland is an important means of holding public decision makers to account, however concerns have been expressed about the extent to which judicial reviews delay, and add costs to, public sector projects."

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The figures show that the number of applications in respect of judicial reviews has generally been decreasing and as such does not support the view that there is an increasing appetite to challenge decisions made by public bodies through judicial review.

The Comptroller and Auditor General concluded:

My report makes a small number of recommendations. If acted upon, these will strengthen the management and oversight of these legal challenges in the public sector and ensure that themes and areas for learning are identified and good practice is shared.”

ENDS

Notes for Editors

1. The Comptroller and Auditor General (C&AG) is Head of the Northern Ireland Audit Office (the Audit Office). She and the NIAO are totally independent of Government. The C&AG certifies the accounts of Government Departments and a range of other public sector bodies. She has statutory authority to report to the Assembly on the economy, efficiency and effectiveness with which departments and public bodies use their resources. Her reports are published as Assembly papers.
2. The report is available on the Audit Office website at www.niauditoffice.gov.uk. The report is embargoed until 00.01 hrs on Tuesday 4 July 2023.
3. This report does not set out to challenge the principle or process of judicial review, nor to review or question any of the court’s decisions.
4. Judicial reviews can range from issues specific to one individual to issues on a departmental policy or project that impact on the wider public. The Judicial Review Court examines whether the body observed all the relevant legal rules, standards and requirements and acted within the limits of its powers.
5. Following the conclusion of the Pre-action Protocol, a procedure aimed at resolving matters and avoiding court proceedings, there are two key stages to the judicial review process. The applicant seeks the court’s leave (or permission) to apply for a judicial review (stage 1) before being able to progress to a substantive hearing (stage 2).
6. Background briefing can be obtained from the Audit Office by contacting Patrick Barr (028 9025 1063) or Suzanne Murphy (028 9025 1125).