

Government launches independent panel to look at judicial review

- Government launches Independent review of administrative law
- Expert panel will examine the need for potential reforms of judicial review
- Part of government plans to ensure right balance is struck between citizen's rights and effective governance.

The review will be chaired by Lord Edward Faulks QC, and will consider whether the right balance is being struck between the rights of citizens to challenge executive decisions and the need for effective and efficient government.

The move delivers on a manifesto commitment to ensure the judicial review process is not open to abuse and delay.

Specifically, the review will consider:

- Whether the terms of Judicial Review should be written into law
- Whether certain executive decisions should be decided on by judges
- Which grounds and remedies should be available in claims brought against the government
- Any further procedural reforms to Judicial Review, such as timings and the appeal process

The review will examine a range of data and evidence, including relevant caselaw, on the development of judicial review and consider whether reform is justified.

The work forms part of the Lord Chancellor's duty to defend our world-class and independent courts and judiciary that lie at the heart of British justice and the rule of law.

The Lord Chancellor, Robert Buckland QC MP, said:

Judicial review will always be an essential part of our democratic constitution – protecting citizens from an overbearing state.

This review will ensure this precious check on government power is maintained, while making sure the process is not abused or used to conduct politics by another means.

I'd like to thank Lord Faulks and the other panel members for undertaking this important piece of work and look forward to their

recommendations.

Chair of the Review, Lord Faulks QC, said:

I am delighted to have been asked to chair the Independent Review of Administrative Law. The panel will bring a wide range of experience and opinion to this important subject.

Together we will examine Judicial Review and the need to strike a balance between the right of citizens to challenge government through the courts and the elected government's right to govern.

The panel members are esteemed in their respective fields and are drawn from legal practitioners and eminent academics. The proposed panel members are:

- Lord Faulks QC – Panel Chair
- Professor Carol Harlow QC
- Vikram Sachdeva QC
- Professor Alan Page
- Celina Colquhoun
- Nick McBride

Courts and the way they operate are a key part of our constitution. Any recommendations for reform put forward by the panel will therefore be considered by the Lord Chancellor and the Chancellor for the Duchy of Lancaster and Minister for the Cabinet Office, Michael Gove.

The panel will report back later this year.

Notes to editors

- A short profile of each panel member below:

Lord Edward Faulks QC (Panel Chair)

Lord Edward Faulks (Baron Faulks) is an English barrister and became Queen's bench Counsel in 1996. He is currently a cross bench peer and was Minister of State for Civil Justice between 2013 – 2016. Since January 2020, he has been the Chairman of the Independent Press Standards Organisation. Previously, he was Chairman of the Professional Negligence Bar Association 2002–04 and Special Advisor to the Department for Constitutional Affairs on compensation culture, 2005–06. He was a member of the Commission on a Bill of Rights (2011 – 2012) which considered whether a British Bill of Rights was required.

Professor Carol Harlow QC

Carol Harlow is a current Emeritus Professor of Law at LSE. She was appointed Queen's Counsel (honoris causa) in 1996; Fellow of the British Academy in

1999; and Fellow of the London School of Economics in 2005. She was elected a Bencher of the Middle Temple in 2009, is Joint Master of the Garden, and was Lent Reader 2019. She is also a Fellow and Council Member of the British Academy, Fellow of the London School of Economics and Emeritus Member of Society of Legal Scholars. She was awarded a Leverhulme Fellowship in 2002. Currently researching English administrative law, European administrative law and legal and political accountability in the European Union. She is working on a book on European administrative procedures and is the co-author of a seminal work on administrative law.

Alan Page

Alan Page was appointed Professor of Public Law in 1985. He was previously a senior lecturer in the Department of Public Law at the University of Dundee (1981-85). He was previously Head of the Department of Law (2004-2006 and 1985-95), Dean of the Faculty of Law (1986-89) and Head of the Department of Public Law (1981-86). He has acted as a specialist adviser to the Scottish Parliament's Scotland Bill Committee (2010-11), European and External Relations Committee, (2005-07) and Subordinate Legislation Committee (2004-06); to the European Union; to the OESC's Office for Democratic Institutions and Human Rights, and the United Nations in respect of many of the 'transition' countries of central and eastern Europe and the former Soviet Union. His specialism is in Constitutional Law, Administrative Law and EU law, including comparative constitutional law, law making, regulation, and the role of law in transitional countries, and has published extensively in these areas.

Nick McBride

Nicholas J McBride is a Fellow of Pembroke College, Cambridge. He was formerly a Fellow of All Souls College, Oxford. He is the best-selling author of Letters to a Law Student (4th edition, 2017), (with Roderick Bagshaw) Tort Law (6th edition, 2018), and (with Sandy Steel) Great Debates in Jurisprudence (2nd edition, 2018). He recently published The Humanity of Private Law.

Celina Colquhoun

Celina Colquhoun specialises in all aspects of planning and environmental law and also has good experience in licensing matters. Celina is ranked by Legal 500 (tier 2 in London; tier 1 in the Midlands) and in Chambers & Partners (Band 4) for Planning. She is also rated by Planning Magazine Legal Survey 2019 as amongst the UK's top planning juniors. She has appeared extensively as an advocate in public inquiries and hearings as well as in the High Court and Court of Appeal. She has acted for and advises a very wide range of public bodies and private parties addressing planning development consents, appeals as well as planning enforcement and the promotion of or objection to development related Orders.

Vikram Sachdeva QC

Vikram Sachdeva is a highly accomplished advocate who has appeared in many significant cases in the higher courts (including the Supreme Court) in a wide range of fields. He has appeared in a number of landmark high-profile cases. Vikram is the Chair of the Constitutional and Administrative Law Bar Association, and also of the Court of Protection Bar Association. He was previously Junior Counsel to the Crown 'A' Panel (having been on the 'B' and 'C' Panels prior to that). In March 2013, whilst still a Junior, he was named The Times' Lawyer of the Week. His has a wide-ranging practice, and has been specifically recommended in legal directories in Administrative and Public law and Civil Liberties and Human Rights. He taught Administrative law at Cambridge University, and Tort and Criminal law at Oxford University for a number of years.

[Terms of Reference for the Independent Review of Administrative Law](#) (PDF, 124 KB, 2 pages)