

# JOELSON WILSON

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## JUDICIAL REVIEWS

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## JUDICIAL REVIEWS

- When an administrative body, such as a Licensing Authority delivers a decision which, on the face of it, appears to have been reached unreasonably, that decision may be judicially reviewed by the High Court. A Judicial Review is not an appeal based on the merits of the case, but a consideration of how the decision of the relevant Authority has been reached.
- There are principally three grounds on which a decision can be challenged by way of Judicial Review:
  - Illegality. This is where the person who made the decision did not correctly understand or interpret the law.
  - Irrationality. Where the decision taken is so bizarre that no reasonable person could have possibly made it.
  - Procedural Impropriety. This is when procedural requirements have not been followed or there is a breach of natural justice.
- Bringing a Judicial Review is not an alternative to appealing a decision of a Licensing/Gaming Sub-Committee and should usually only be instigated when all alternative remedies have been exhausted.
- On occasion, a Judicial Review application is the only right of appeal. Examples include a representation to an application being discounted because it was deemed either out of time or vexatious or frivolous.
- The procedure for bringing a judicial review is strictly governed by the Civil Procedure Rules. Implemented in the late 1990s, these rules were intended to simplify Court procedures but are complex in their own right.
- There are numerous deadlines to adhere to, the most important of which is that proceedings must be brought promptly, and in any event within 3 months of the decision in question. Time is of the essence!
- Bringing or defending a judicial review is complex. However, our lawyers have extensive experience of matters of this nature. Most recently, we have been instructed on a significant number of ground-breaking judicial review claims, ranging from breaches of procedural requirements to the interpretation of the Gaming Act 1968 and are therefore well placed to advise you on the merits of your case and your prospects of success.
- Independently recommended and described as “*steering our business and giving an excellent assessment of our needs*”. We can advise as to whether a judicial review claim is an appropriate step and, if so, manage the claim on your behalf, bearing in mind your commercial objectives.

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**Need to know more?**

**Ask us. *“Truly proactive practitioners, well versed in licensing law, greatly knowledgeable and utterly dependable in fighting its clients’ battles ...”* – Chambers Guide to the UK Legal Profession 2008. For information/advice on alcohol or entertainment licensing matters, gaming, betting, lotteries or remote gambling, please contact:**

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**This document is not intended to be a comprehensive review of all developments in the law or practice, or to cover all aspects of those referred to. Readers should take legal advice before applying the information contained in this publication to specific issues or transactions.**

**Joelson Wilson LLP**

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