



**7th April 2008**

### **Action on Administrative Court delays**

The Public Law Project (PLP) is very pleased to learn that the Ministry of Justice will be taking action on the unacceptable level of delays currently occurring in the Administrative Court regarding the listing and hearing of public law cases. These delays have substantially undermined access to justice and the maintenance of judicial scrutiny of the conduct and decision making of public bodies in England and Wales.

Towards the end of last year, because of widespread concern among public lawyers and clients, PLP through its solicitors Leigh Day & Co sent a letter before claim to Jack Straw stating that it considered the present level of delays to be unlawful, requiring prompt remedial action. It said that the delays were in breach of the common law right to access to justice, Article 6 of the ECHR and the duty to ensure that there is an efficient and effective court system, pursuant to section 1 of the Courts Act 2003.

Steve Cragg, Chair of PLP said "PLP has been extremely concerned about the very lengthy delays in getting cases on in the Administrative Court. The position seems to have got worse and worse over the last couple of years. We decided that we needed to bring pressure to bear and if necessary take the matter to court to sort things out. PLP's action seems to have played an important part in remedying the problem."

Following several months of correspondence, and a face-to-face meeting with senior court officials, the Administrative Court has now confirmed to PLP that it will be taking urgent steps to address the problem and has agreed to do the following:

- For 2008 Easter & Trinity Terms, a commitment to assign two more High Court judges from within the existing judicial resource to sit in the Administrative Court, together with ongoing use of Deputy High Court judges.

- More Deputy High Court judges to become available on imminent completion of September 2007 recruitment exercise.
- Consideration being given to extending the Administrative Court 'ticket' to a number of existing Deputy High Court judges.
- Training of newly appointed/ticketed Deputy High Court judges to take place in June 2008, increasing capacity in Administrative Court soon after.
- Consideration being given to setting aside a number of days during the Summer Vacation for a number of Administrative Court judges to deal with applications for the reconsideration of decisions under section 103A of the Nationality, Immigration and Asylum Act 2002.

The Administrative Court further hopes that the establishment of four regional centres, and the associated recruitment, will help to relieve pressure.

Clerks in relevant barristers' chambers have now been advised that from the beginning of April the number of judges sitting in the Administrative Court will increase from 7 to between 9 & 12 per week.

In addition, PLP understands that single Court of Appeal judges will also be sitting in the Administrative Court dealing with weightier matters.

PLP welcomes the fact that steps are now being taken to address the crisis in the Administrative Court listing and is hopeful that the measures will help reduce the current levels of delay.

PLP has requested that the Administrative Court continue to provide it with regular statistics on the Court's workload, sitting days and time-frames so that PLP can review its progress in reducing delays. HMCS has agreed and a follow-up meeting is to be organised in summer 2008.

Copies of the response from the Administrative Court to PLP's Freedom of Information Act request, and all subsequent statistics that are received, will be made available on PLP's website ([www.publiclawproject.org.uk](http://www.publiclawproject.org.uk)).

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## **Editors' notes**

### **The Public Law Project:**

The Public Law Project (PLP) is a national legal charity, set up in 1990, which aims to improve access to public law remedies for those whose access to justice is restricted by poverty or some other form of disadvantage.

Within this broad remit PLP has adopted three main objectives:

- increasing the accountability of public decision-makers;
- enhancing the quality of public decision-making;
- improving access to justice.

Public law remedies are those mechanisms by which citizens can challenge the fairness and/or legality of the decisions of public bodies and so hold central and local government and other public authorities to account. They include non-court-based remedies such as complaints procedures and ombudsman schemes and also litigation remedies, in particular judicial review.

To fulfil its objectives PLP undertakes research, policy initiatives, casework and training across the range of public law remedies.

[www.publiclawproject.org.uk](http://www.publiclawproject.org.uk)