ADMINISTRATIVE JUSTICE IN EUROPE

Preliminary Questions

1. Could you give the main dates in the evolution of the review of decisions and acts of Administrative authorities?

Prior to 1642, review of the decisions of administrative authorities was undertaken by the Privy Council of the King or Queen through the Star Chamber. Following the Revolution of 1688, the Court of King's Bench assumed the jurisdiction to review decisions and acts of an administrative nature. The system of judicial review remained much the same until the twentieth century.

The Administration of Justice (Miscellaneous Provisions) Act 1933 introduced a procedure for obtaining judicial review remedies. It required a claimant to apply to the High Court, without notice to the respondent, for permission to apply for the remedy he sought. The Court would refuse permission if the claim was unarguable or if the applicant had been guilty of unjustified delay. If permission was given, the case would proceed to a substantive *inter partes* hearing

Important decisions of the House of Lords in 1963 and 1969 demonstrated the importance and general applicability of the rules of natural justice and the unacceptability of attempts by the executive and legislature to restrict judicial review of decisions of public authorities.

In 1977, Order 53 of the Rules of the Supreme Court (the procedural rules which, at the time, governed judicial review applications) was amended to allow an applicant to seek, by way of making an application for judicial review, any one or more of five remedies (mandamus, requiring a public authority to comply with its legal duty, certiorari, to annul an administrative or inferior judicial decision, prohibition, to forbid an inferior judicial body from performing an unlawful act, a declaration as to the law and an injunction which would forbid an administrative body from doing an unlawful act or require it to fulfil its legal duty). In 1981 the judicial review regime was given further statutory footing by section 31 of the Supreme Court Act 1981.

In 2000 the old Order 53 of the Rules of the Supreme Court was replaced by Part 54 of the Civil Procedure Rules ("the CPR"). The present procedure for judicial review, which differs significantly from that previously applicable, is referred to below under Question 26.

Generally, the last 20 years have seen a substantial increase in the scope of judicial review and in the number of applications for judicial review

2. Does the review by the courts of administrative acts and actions aim to submit administrative authorities to law and protect individual rights, in other words to the rule of law? Alternatively, is it only a review of the good functioning of the administration?

Judicial review of administrative acts aims to ascertain whether administrative authorities make their decisions in compliance with the law and with respect for individual rights. It reviews whether that the individual has been given fair treatment by the authority which made the decision relating to him, and grants appropriate relief if these requirements have not been fulfilled. The rule of law occupies a predominant place in our jurisprudence.

The Court reviews the legality of the decision in order to decide whether the decision-making authority:

- exceeded the legal restrictions on its powers;
- failed to observe the rules of natural justice;
- wrongly took into account a legally irrelevant matter;
- failed to take into account a matter that it was required to take into account;
- reached a decision which no reasonable authority correctly applying the law could have reached;
- wrongfully interfered with the rights of the claimant under the European Convention on Human Rights: this may involve consideration of the proportionality of any interference with the Convention rights of the individual;
- failed to give adequate reasons for its decision;
- otherwise abused its powers or acted unlawfully.

3. What is the definition of an administrative authority in your country? Does this definition include all public legal entities and private legal entities exercising public authority?

The short answer to the question in the second sentence is: Yes. All governmental legal entities are amenable to judicial review under Part 54 of the CPR. In addition, other bodies that carry out functions of a governmental nature are amenable to judicial review in respect of their exercise of those functions.. For example, the Institute of Chartered Accountants of England and Wales and the General Medical Council, which are bodies established by their respective professions (chartered accountants and doctors) have statutory functions relating to the regulation of their professions, and their exercise of those functions is amenable to judicial review.

Generally, judicial review under Part 54 of the Civil Procedure Rules is available in respect of any decision that would engage the responsibility of the UK Government under the European Convention on Human Rights.

However, it must be borne in mind that similar rules and judicial procedures may be available under private law to individuals aggrieved by legal entities exercising private law non-governmental authority.

4. Is there a classification of administrative acts in your country?

Although there is no formal classification *per se*, practical distinctions are made between administrative, judicial and legislative acts. Certain public bodies have the power (where authorised by primary legislation) to undertake general normative acts by way of delegated legislation. In addition, where authorised by primary or secondary legislation or acting under the Royal Prerogative, public bodies may undertake

individual acts (including the award of contracts). However, there is no separate law of administrative contracts: subject to the provisions of any applicable statute, contracts entered into by administrative authorities with private entities are subject to the general law of contract.

I – WHO REVIEWS ADMINISTRATIVE ACTS?

A. COMPETENT BODIES

5. Is the review of administrative acts undertaken by general bodies related to the administrative authorities, and similar to courts?

No. In some cases an administrative authority may review its own decisions, but in all cases judicial review to a court or independent tribunal is available in respect of the authority's decisions, including the decision it has made on review. Judicial review of administrative acts is undertaken either by independent tribunals or by the courts.

6. Could you describe the organization of the court system in your country, indicating which courts or tribunals are competent to hear disputes concerning acts of the administration? If possible, try to respect the pattern hereafter.

Except where statutory provision is made for review by an independent tribunal, judicial review of administrative decisions in England and Wales is undertaken by the Administrative Court (which forms part of the Queen's Bench Division of the High Court of Justice).

There is a right of appeal (with permission of the Administrative Court or the Court of Appeal) against a decision of the Administrative Court to the Court of Appeal, Civil Division.

A further right of appeal (with leave of the Court of Appeal or the House of Lords) extends from decisions of the Court of Appeal to the Judicial Committee of the House of Lords. Such appeals are restricted to cases raising important questions of principle.

Certain judicial review functions have been given to lower courts. For example, the County Court has jurisdiction to review certain decisions of local authorities in housing matters.

There are also a large number of specialist tribunals charged with reviewing decisions, principally in areas where specialist knowledge is required (for example, in respect of immigration and asylum, social security, income tax, VAT and competition law). The statutes constituting the particular tribunal will generally provide for onward rights of appeal to the High Court (or sometimes to the Court of Appeal) on questions of law. If there is no right of appeal, decisions of such tribunals will usually be subject to the judicial review jurisdiction of the Administrative Court.

A diagram showing the organisation of the Courts appears at question 10, together with a list of tribunals.

B. RULES GOVERNING COMPETENT BODIES

7. If the review of administrative acts and action lies within the competence of the ordinary courts, is that competence delimited by texts (such as a Constitution, or parliamentary legislation) or by case-law?

Case law delimits the scope of judicial review, which has been broadly summarised above. Some statutes contain provisions restricting judicial review. These provisions are narrowly interpreted by the Courts, but in any event generally are to be found where other means of independent review is provided, for example by way of appeal to an independent tribunal.

8. If the review of administrative acts is carried out by administrative courts or tribunals, are the existence, competence and duties of those courts or tribunals governed by specific rules? Are such rules set out in texts or in the case-law?

The jurisdiction of the Administrative Court to review the functioning of public authorities is conferred by section 31 of the Supreme Court Act 1981. The statute does not limit the scope of review (save that injunctions and declarations of the applicable law are to be given where "it would be just and convenient" to do so. The exercise of this jurisdiction is guided by the case law of the High Court, Court of Appeal and House of Lords.

Specialist tribunals are established by statute. The statute will generally specify the competence and duties of the tribunal.

C. INTERNAL ORGANIZATION AND COMPOSITION OF COMPETENT BODIES

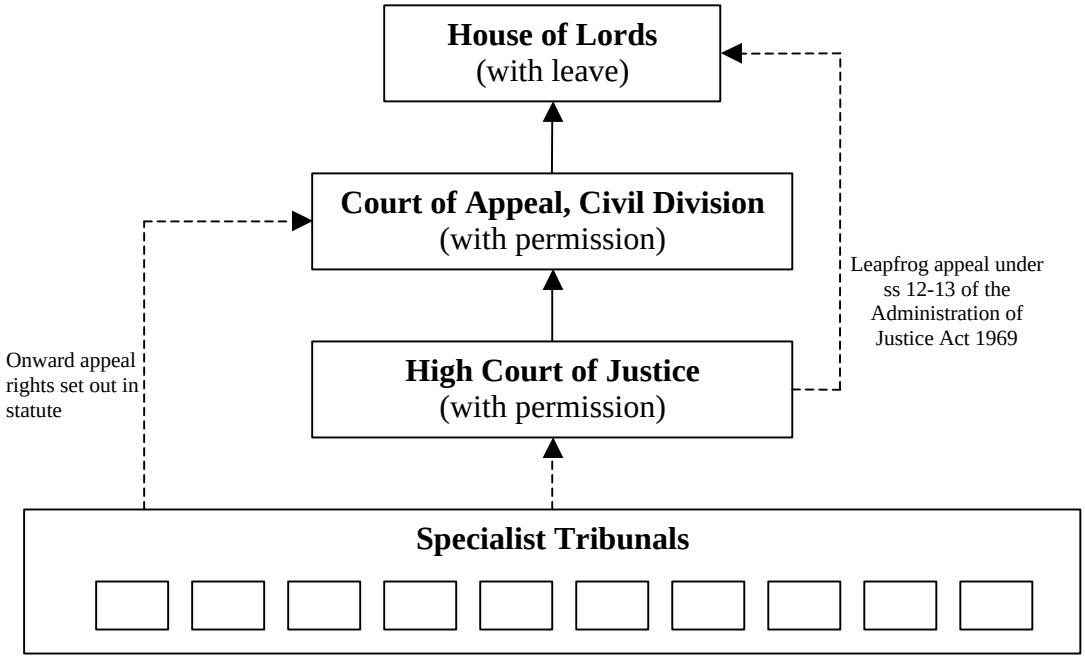
9. If judicial review is assumed by ordinary courts, describe their internal organization and specify if they comprise specialized chambers, and how these are composed.

See the answer to question 10.

10. If judicial review is assumed by administrative courts, present their internal organization. Distinguish between the highest and the lower courts.

Judicial review of administrative action takes place primarily in the Administrative Court. Appeals from the Administrative Court described under question 6.

In respect of specialist tribunals charged with review of certain specialised areas of administrative function, the statutes establishing those tribunals may provide for an appeal to an appeal tribunal. In other cases there is an appeal on questions of law to the High Court but also, in some cases, direct to the Court of Appeal. There is also often an appeal on questions of law from appeal tribunals to the High Court or the Court of Appeal.



Tribunals in England and Wales

(Taken from Table C in the 2001 report by Sir Andrew Leggatt entitled "Tribunals for Users". Tribunals described in the report as moribund have been omitted.)

	First-tier tribunals	**Appeal tribunal**
Citizen and state tribunals		
Immigration	Immigration Judges of the Asylum and Immigration Tribunal[a] Special Immigration Appeal Commission[d]	
Social Security and Pensions	Appeals Service Criminal Injuries Compensation Appeal Panel Pensions Appeal Tribunal Fire Service Pensions Appeal Tribunal Police Pensions Appeal Tribunal	Social Security and Pensions Appeal Tribunal
Land and Valuation	Valuation Tribunal Rent Assessment Committees Leasehold Valuation Tribunal Commons Commissioners Rent Tribunal	Land and Valuation Appeal Tribunal
Financial	General Commissioners of Income Tax VAT and Duties Tribunal Section 703 Tribunal Financial Services and Markets Tribunal[d]	Income Tax, VAT and Duties Appeal Tribunal

Transport	Parking Appeals Service National Parking Adjudication Service	Transport Tribunal
Health and Social Services	Mental Health Review Tribunal Mental Health Review Tribunal (Wales) Protection of Children Act Tribunal Family Health Service Appeal Authority Registered Homes Tribunal	Health and Social Services Appeal Tribunal
Education	Admissions Appeal Panels Special Educational Needs Tribunal Exclusion Appeal Panels Registered Inspectors of Schools Tribunal Registered Nursery Education Inspectors Appeal Tribunal Independent Schools Tribunal	Education Appeal Tribunal
Regulatory	Competition Commission Appeal Tribunal[d] Copyright Tribunal[g] Consumer Credit Licensing Appeals Discipline Committees Estate Agent Appeals Wireless Telegraphy Appeal Tribunal Aircraft and Shipbuilding Industries Arbitration Tribunal Central Arbitration Committee Insolvency Practitioners Tribunal Chemical Weapons Licensing Appeal Tribunal NHS Medicines (Control of Prices and Profits) Tribunal The Information Tribunal Misuse of Drugs Tribunal Foreign Compensation Commission[d] Meat Hygiene Appeals Tribunal Forestry Committees Plant Varieties and Seeds Tribunal Local Government Adjudication Panels	Regulatory Appeal Tribunal[e]
Party and party tribunals		
Employment	Employment Tribunal Police Appeal Tribunal Reserve Forces Appeal Tribunal Reinstatement Umpires	Employment Appeal Tribunal

[a] Applicants may seek an order for reconsideration of their case from a Senior Immigration Judge and on his refusal from the High Court.
[d] Appeal is direct to the Court of Appeal.
[g] Appeal is direct to the High Court

JUDGES

11. Do the judges who review administrative acts belong to a specific category? Specify whether different categories of judges exist according to the various kinds of control of administrative authorities.

The Administrative Court forms part of the Queen's Bench Division of the High Court of Justice. Only High Court Judges or those authorised to sit as High Court Judges may hear matters in the Administrative Court. Judges with relevant expertise are assigned to the Court by the Lord Chief Justice. There are not different categories of High Court judge for the review of different kinds of administrative authorities.

Some specialist tribunals also maintain a full time judicial membership.

Administrative tribunals generally heard include a legally-qualified member (although most tribunals also include non-legally qualified members). In all cases but a very few cases the legally-qualified member is not a High Court judge. In a few cases a designated High Court Judge is assigned to be the President of a particular tribunal. For example, the chairman of the Asylum and Immigration Tribunal and the President of the Employment Appeal Tribunal are High Court judges.

12. How are judges in charge of judicial review of administrative authorities recruited?

Recruitment to the High Court Bench is presently made on the basis of vocational selection by the Crown, on advice of the Lord Chancellor. A Judicial Appointments Commission is to take over that part of the Lord Chancellor's functions. Once recruited to the High Court Bench, judges are assigned the list of Administrative Court Judges as appropriate.

Recruitment to the specialist tribunals is by way of advertisement leading to open competition.

13. What is the professional training of judges in general?

In England and Wales, judges are appointed from the ranks of practising lawyers or, sometimes, academic lawyers. It is unusual for a High Court judge to be appointed below the age of 50. The majority of High Court Judges were practising barristers (broadly, advocates), although there are several High Court Judges who practised as solicitors, and some who were Circuit Judges who were promoted to the High Court.

Legal members of the specialist tribunals are recruited from amongst practitioners (solicitors and barristers) or academic lawyers, where appropriate from those working in the area of law in which the Tribunal is involved.

The Judicial Studies Board provides courses, including residential courses, and material for judges and tribunal members.

14. How is their career structure organized?

Circuit judges may be promoted to the High Court. For High Court Judges, the sole prospect of promotion is to be appointed to sit as a judge in the Court of Appeal. Court of Appeal judges may be promoted to the House of Lords (soon to be the Supreme Court).

Judicial advancement is on merit, as opposed to time served.

15. How is their professional mobility organized?

High Court Judges may spend a period of time each year "on circuit" hearing criminal and civil cases outside London. The remainder of their time is spent at the Royal Courts of Justice in London. Administrative Court judges may hear ordinary civil claims and criminal cases, but when they do so they do not sit as judges of the Administrative Court but of the court to which the civil claim or criminal case is assigned. They may also sit in the Criminal Division or in the Civil Division of the Court of Appeal, in the latter case always with 2 Lord Justices (i.e. more senior judges who are members of the Court of Appeal). The Administrative Court sits almost entirely in London.

A serving judge cannot take up a position in the public administration.

E. ROLE OF COMPETENT BODIES

16. What are the different kinds of recourse against administrative acts and action in your country?

The role of the Administrative Court in a claim for judicial review is to review whether the decision complained of was taken in accordance with the law. The Administrative Court will not substitute itself for the decision maker unless it is clear that the public authority would have no choice as to the lawful decision it must make.

Remedies which may be granted by the Administrative Court (by virtue of section 31 of the Supreme Court Act 1981) are as follows:

- **Quashing order**[1] - This is an order of the Court quashing the decision of an inferior court or public body. This may leave the decision maker free, if he is empowered to do so, to take the decision afresh.

- **Prohibiting order**[2] **-** This is an order of the Court prohibiting the inferior court or decision maker from acting in excess of jurisdiction or contrary to law.

- **Mandatory order**[3] **-** By a mandatory order, the Court orders any person, corporation or inferior court to do something which relates to his office and forms a public duty[4].

[1] A quashing order used to be known as *certiorari*.
[2] A prohibiting order was previously known as *prohibition*.
[3] A mandatory order was previously known as *mandamus*.
[4] The nature of the requirement will depend on the circumstances, but it will generally be requiring the tribunal or office holder to exercise a discretion or to fulfil his or its obligations.

- **Injunction –** An injunction issued by the Court may a public authority from the imminent commission or continuation of an unlawful acts[5] or force the authority to take steps to rectify an unlawful omission or to put right the damage caused by an unlawful act[6].

- **Declaration –** A declaration states the existing legal position.

Applications may also be made for an order of *habeas corpus*, which challenge the detention of an individual.

The Administrative Court may also award damages, restitution of property and recovery of sums due.

17. Do mechanisms exist for the delivery of a preliminary ruling (apart from the procedure under Article 234 of the Treaty establishing the European Community)?

There is no formal mechanism for a preliminary ruling as such. However, where there is a genuine dispute between parties as to the applicable law, the Court has jurisdiction to make a declaration as to that law in order to resolve that dispute.

18. Does a competent body have only judicial functions or does it also have an advisory role vis-à-vis the executive or the legislature? In the affirmative, specify the various aspects of these consultative functions, and if they are exclusive to the body or the highest jurisdiction.

No judicial body has an official advisory role vis-à-vis the executive or the legislature.

The members of the Appellate Committee of the House of Lords (the "Law Lords") may sit as members of the House of Lords in its legislative function. They do not sit as members of a political party, and observe restraint in the subjects discussed. They have taken part in debates on legislation affecting the courts and the law. It has long been a convention that if they speak on a controversial non-legal matter they do so in their private capacity. They also sit on Committees of the House of Lords as a legislature. In particular, the chairman of the Law and Institutions Sub-Committee of the European Union Select Committee of the House of Lords is a Law Lord. That Sub-Committee considers all aspects of law and institutions in the EU.

The executive often seeks the (unofficial) comments of the judiciary on proposed legislation, and the judiciary may respond to public consultation by the government on proposed legislation. In addition, judges may be asked, either alone or as part of an ad hoc body, to carry out an official investigation and to report on a matter, and the report so produced may serve as a basis for legislation.

[5] A prohibitive injunction.
[6] In which case, the injunction is mandatory in nature.

19. Where the body plays both a judicial and an advisory role, how are its respective duties organised?

Please see question 18 above. The question of compatibility of double functions (in so far as they exist) has not had to be considered by the English Courts or by the European Court of Human Rights. A judge of he House of Lords would not be expected to sit in a case raising issues on which he has expressed views as a member of the legislature which could be seen to affect his independence or impartiality. In fact, as far as is known there has been no case in which a member of the House of Lords has been the subject of an application for his recusal based on his membership of the upper chamber of the legislature.

The Constitutional Reform Act 2005 establishes a Supreme Court which will be separate from the House of Lords, thus abolishing, from its commencement (which at time of writing has yet to be determined) any double function of current members of the Appellate Committee of the House of Lords.

F. ALLOCATION OF DUTIES AND RELATIONSHIP BETWEEN COMPETENT BODIES

20. Do the highest appeal courts have an instrument or a procedure to ensure the harmonised and uniform application and interpretation of law?

Administrative tribunals are bound to apply the law as determined by the Administrative Court (or another division) of the High Court (or of a court superior to the High Court). Judges of the Administrative Court are bound to apply decisions of the Court of Appeal and the House of Lords as to the law applicable to cases before them. These obligations are not in general set out in any instrument, but are observed in practice, and a refusal to apply an applicable precedent decision of a higher court would be an error of law which would be the subject of appeal or judicial review.

It is the duty of advocates appearing before the Court to draw the judge's attention to all binding authority on the matters before the Court, whether that authority supports or is contrary to his client's case.

Where there have been conflicting decisions of lower courts, an appeal court or a court hearing a judicial review application will seek to resolve them and to declare the law for future application.

II – HOW ARE ADMINISTRATIVE ACTS AND ACTIONS REVIEWED BY THE COURTS ?

A. ACCESS TO JUSTICE

21. How significant are the pre-conditions for access to the courts in your system of control of administrative authorities?

It is normally a requirement of judicial review is that there should be no suitable alternative remedy available. Thus, where there is provision for administrative reconsideration of an administrative decision, judicial review will normally be refused

until after that reconsideration has taken place. The reconsideration may however itself be the subject of judicial review.

Judicial review will not generally lie where there is an available appeal to an independent tribunal.

A person seeking permission to apply for judicial review must generally have a sufficient interest in the decision sought to be reviewed – see the answer to question 23 for further details.

Finally, the application for permission to apply for judicial review must be made promptly and, in any event, unless there is good reason for the delay, not later than 3 months after the grounds to make the claim first arose – see the answer to question 24 for further details. This requirement is flexibly applied.

22. Who may bring a case before the court? (natural persons, legal entities such as associations, companies, etc., local authorities or other administrative bodies or authorities).

The general rule is that any natural or legal person may bring a claim for judicial review. In addition, public interest groups and associations (such as Greenpeace) may and often do bring claims for judicial review. Where an association is unincorporated, the claim for judicial review is often made by an individual on its behalf.

An administrative body may seek judicial review of a decision made by another administrative body.

23. For every situation, specify the conditions that must be satisfied in order for an application for judicial review to be admissible?

Under section 31(3) of the Supreme Court Act 1981, a claim for judicial review may only be brought by a claimant who has "sufficient interest in the matter to which the application relates". What constitutes "sufficient interest" has been held to be a question of fact and degree and the relationship between the applicant and the matter to which the application relates, having regard to all the circumstances of the case.

In practice the requirement of standing is flexibly applied. The Courts have often accepted that pressure groups and charities have sufficient interest to bring judicial review proceedings to challenge decisions which affect their areas of concern and expertise. However, complaints of breach of rights conferred by the European Convention on Human Rights may be made only by the person claiming to be the victim of the breach.

As mentioned in the answer to question 21, it is generally necessary for there to be no suitable alternative remedy available to the claimant and he must have acted promptly and within the applicable time limit, unless the facts justify an extension of time.

24. Is recourse to the courts subject to time-limits?

In the case of applications for judicial review to the Administrative Court, rule 54.5(1) of the Civil Procedure Rules 1998 (as amended) provides that, in judicial review claims, the claim form must be filed promptly and in any event not later than three months after the grounds to make the claim first arise. The requirement for promptness means that, even if a claim is lodged before expiry of the long-stop date of three months, it may nevertheless be refused for lack of promptness. The issue of whether the claim was lodged promptly will be for the Court to decide having regard to the circumstances of the case. The Court has power to extend time for good reason.

On principle, time should begin to run from the date that the claimant was informed of the decision in question. Where that is not the case, delay in informing him may justify an extension of time to apply for judicial review.

Where there is a right of recourse to a tribunal, there will normally be a statutory time limit applicable. In such cases, the applicable statute normally requires the individual affected by the administrative decision to be informed of his right of recourse to the tribunal.

25. Are there certain administrative acts or actions that are not open to review by the courts?

There is no definitive list of the types of decision or of the bodies which purport to take such decisions which are not susceptible to judicial review by the Court. Examples include the following:

- The courts will not question the validity of an Act of Parliament[7] (other than in respect of European Union Law[8] or an Act's compatibility with the European Convention on Human Rights[9]).

- The exercise of the Royal Prerogative powers of the executive in certain circumstances, associated with high administrative or politics, for example a decision to enter into a treaty with a foreign state (unless prohibited by statute), decisions concerning the defence of the country, the granting of honours, the dissolution of Parliament and the appointment of ministers of the Crown.

26. Are applications for review by the courts subject to screening procedures? Distinguish between first instance, appeal, and highest jurisdiction.

In the case of applications to the Administrative Court for judicial review, the claimant must first seek permission from the Court to apply for judicial review under rule 54.4 of

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[7] For example, see *British Railways Board v Pickin* [1974] 1 All ER 609 (House of Lords)

[8] See, for example, *Equal Opportunities Commission v Secretary of State for Employment* [1994] 1 All ER 910 (House of Lords)

[9] By virtue of s4(2) of the Human Rights Act 1998, it is open to the Court to make a declaration of incompatibility in respect of primary legislation which it considers to be contrary to the ECHR. However, the declaration will not affect the validity, continuing operation or enforcement of any primary legislation passed before or after the Human Rights Act came into force.

the Civil Procedure Rules 1998 (as amended). Generally, permission will be granted if the claim is arguable, i.e. it has a real prospect of success.

The claimant must file with the Court and serve on the defendant public authority the documents referred to under Question 27. The defendant is required to respond to the claim in an acknowledgment of service, in which it may seek to show that the claim is unarguable. The application for permission is normally first considered on the basis of the documents filed by both parties without a hearing. If permission is refused on consideration of the papers, the claimant is entitled to have his application for permission reconsidered at a hearing before a single High Court Judge. The defendant public authority may, but is not obliged to, appear at that hearing.

If permission to apply for judicial review is granted, the substantive claim will proceed to be heard *inter partes* by the Administrative Court. Both parties are then entitled to file further evidence.

An appeal from a refusal to grant permission by the Administrative Court following a hearing will lie to the Court of Appeal with permission either of the Administrative Court or the Court of Appeal itself. Permission to appeal should be granted if the court considers that the claim has a real prospect of success.

27. How must the application be presented? Are there specific forms or is the applicant free to choose the format?

The application for permission to apply for judicial review must be made on the appropriate form (N461), which (by virtue of paragraph 5.6 of the Practice Direction to Part 54 of the Civil Procedure Rules 1998 (as amended)) must include or be accompanied by:

- A statement of grounds for bringing a claim for judicial review;
- A statement of the facts relied upon;
- Any application to extend a time limit for making the application (and evidence for that application);
- Any application for procedural directions;
- A time estimate for the hearing;
- A copy of any order which the claimant seeks to overturn;
- If the claim relates to a decision of a lower court or tribunal, an approved statement of reasons of that court or tribunal as to how it reached its decision;
- Copies of any document on which the claimant seeks to rely;
- Copies of relevant legislation; and
- A list of essential documents for advance reading by the Court.

28. Has the possibility of bringing proceedings via the Internet been envisaged in your country or is it already possible? Are there reflections or plans for the introduction of tele-procedures or e-procedures (e-registry office)?

It is not currently possible for claimants to lodge proceedings via the internet in the Administrative Court. A Steering Group is investigating the possibility of introducing e-filing of proceedings. Proceedings may be filed now by fax, and in cases of real urgency out of court hours orders are made by a judge on the basis of information provided on

the telephone before proceedings have been filed. Video links may be used for claimants or witnesses, and sometimes advocates, who cannot attend court.

29. Is there a pecuniary charge for lodging an application for judicial review (in the form of stamp duty, tax, or registry fees)?

Yes. The initial fee on lodging an application for permission to apply for judicial review is GB£30.00. If permission to apply for judicial review is granted by the Administrative Court, a further fee of GB£180.00 is payable. Additional fees are payable for interlocutory applications and hearings.

A fee of £200 is payable to the Court of Appeal to issue an application for permission to appeal. A further fee of £200 is payable if the Court grants permission to appeal.

A claimant who has not the means to pay these fees may be relieved of the liability to pay them.

30. Is recourse to a solicitor / lawyer or counsel compulsory?

Although it is recommended that the claimant is represented by a solicitor and his case advanced in Court by a barrister, the Administrative Court will hear litigants who act in person and wish to argue the claim themselves. Claimants may, and frequently do, argue their case in person before a tribunal.

31. As regards the costs of the proceedings, can they be paid through legal aid?

The costs of proceedings can be paid through legal aid. Legal aid is granted by the Legal Services Commission (an independent body) to cover represented litigants' legal fees. Access to legal aid depends on the applicant's financial resources, assessed both on income and capital requirements[10] and by application of a Funding Code. In addition, it is necessary to show that it is reasonable to take the proceedings in question.

A claimant who is dissatisfied with the Service's decision on legal aid may seek review of the decision by a Review Panel. If he is dissatisfied with the decision of the Review Panel, he may seek Judicial Review of the Panel's decision.

32. Is there a fine for abusive or unjustified applications?

There is no fine for abusive or unjustified applications, although in the vast majority of cases the losing party will be required to pay some proportion of the winning party's legal costs. However, if a litigant repeatedly brings abusive or unjustified applications, the Court may impose a civil restraint order on the litigant, preventing him from (for example) making further applications in respect of the particular subject matter, or making further applications in that court, without first obtaining the permission of a judge of the court[11].

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[10] Although it should be noted that for certain categories of case (mainly, although not exclusively, concerned with mental health and children) the income and capital tests do not apply.

[11] A procedure also exists under section 42 of the Supreme Court Act 1981 for the Attorney General to commence a claim (before the Administrative Court) requesting that the Court declare a litigant "vexatious",

B. MAIN TRIAL

33. Which fundamental principles govern the main trial hearing? The right to *inter partes* proceedings, the rights of the defence/the right to a fair hearing, the balance of written and oral elements in the proceedings. Do these principles derive from national law (legislation or/and case-law) or European law (Convention for the Protection of Human Rights and Fundamental Freedoms for example) or both?

The following rules of natural justice are enshrined in the common law and, hence, arise out of case law:

- That the judge should be independent and impartial, and seen to be so.

- That no-one should suffer a detriment without a fair opportunity to be heard (*audi alteram partam*).

Proceedings are adversarial. In judicial review proceedings before the Administrative Court, each party files document outlining his case and copies of the evidence on which he relies. These form the basis of the oral substantive *inter partes* hearing. Neither party plays a predominant part in the proceedings. The hearing is in public (cases involving national security or otherwise demanding privacy excepted) and judgment is pronounced in public. Where the case depends on disputed evidence (which is unusual), a party's witnesses may give evidence orally and may be cross-examined by the other party. In addition, a party is expected to disclose relevant documents, and may be ordered to do so.

All substantive judgments of the Administrative Court, the Court of Appeal and the House of Lords hearing are posted on the Internet.

The above principles are derived from the common law, but are also to be found in procedural rules. In addition, the Courts, as public authorities, are under a duty to respect the rights of the individual under Articles 5 and 6 of the European Convention on Human Rights. Those rights do not differ substantially from those conferred by the common law.

34. How is the judicial impartiality ensured in your country?

The common law has long recognised as fundamental the principles a judge must be and be seen to be impartial and independent of the parties and that no one should be a judge in his own cause[12]. An automatic and irrefutable presumption of bias will apply in circumstances where the adjudicator has either a direct financial or proprietary interest in the matter he is concerned with or where his connection with the matter is such that

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with the result that (if the claim is successful) the litigant will be prevented from making any application in any court in England and Wales without first obtaining the permission of a High Court Judge.

[12] The common law principle is that bias occurs where there is as a departure from that standard of even-handed justice which the law requires from those who occupy judicial office or those who are commonly regarded as holding a quasi-judicial office (*Franklin v Minister of Town and Country Planning* [1947] 2 All ER 289 at 296 (House of Lords)).

he would be seen as a party to the matter[13]. Bias may also arise where, by reason of some other connection or by his behaviour or conduct, there is a real danger of bias on the part of the judge. In addition, the common law recognises a doctrine of apparent bias, the test being *"whether a fair-minded and informed observer, having considered the relevant circumstances, would conclude that there is a real possibility that the tribunal was biased"*[14]. The common law test for apparent bias equates to the requirement for an independent and impartial tribunal enshrined in Article 6(1) ECHR[15].

A judge must recuse himself from a case before any objection is made if the circumstances give rise to automatic disqualification or he feels personally embarrassed in hearing the case. If, in any other case, the judge becomes aware of any matter which can arguably be said to give rise to a real danger of bias, he should disclose this in advance of any hearing. If an objection is made and there is real ground for doubt, that doubt must be resolved in favour of recusal[16].

The general rule is that where there is found to be actual or apparent bias, the decision will be set aside on appeal and a retrial ordered before a different judge.

35. After the application has been lodged, can the applicant rely on legal arguments raised for the first time in the course of the proceedings?

At first instance, it is open to the applicant to rely on arguments raised for the first time during the proceedings, provided the relevant evidence is or will be before the court. Generally, however, if it is contended that an administrative tribunal's decision should be set aside on the ground that it made an error of law, the appellant must show that the point in issue was raised before the tribunal

However, on appeal (whether to the Court of Appeal or House of Lords), the permission of the Court is required if an appellant wishes to raise an argument or to rely on evidence that was not before the Court below.

36. Which other persons can intervene during the main hearing?

Any other interested person may intervene (with permission of the Court) in a claim, but only if the Court considers that the proposed intervener has a sufficient interest in the claim to do so.

Charities and pressure groups are often granted permission to intervene in cases concerning the areas in which they work.

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[13] See, for example, *R v Bow Street Metropolitan Stipendiary Magistrate, ex p Pinochet Ugarte (No 2)*, [1999] 1 All ER 577 (House of Lords)

[14] *Porter v Magill* [2002] UKHL 67 (House of Lords)

[15] See *Singh v Secretary of State for the Home Department* 2004 SLT 1058

[16] *Locabail (UK) Ltd v Bayfield Properties Ltd and another, Locabail (UK) Ltd and another v Waldorf Investment Corp and others, Timmins v Gormley, Williams v HM Inspector of Taxes and others, R v Bristol Betting and Gaming Licensing Committee, ex parte O'Callaghan* [2000] 1 All ER 65 (Court of Appeal)

37. **Is there a representative of the State ("*ministère public*") who may submit pleadings in cases concerning administrative law?**

Generally the answer is No. A public authority may intervene in the same circumstances as any other litigant: see the answer to question 36. Otherwise it will participate only if it is the defendant to the claim.

38. **Is there, in your legal system, an institution or a person who plays a role analogous to that of role played by the French "*commissaire du gouvernement*" before the Conseil d'Etat, that is to say, who is completely independent and impartial and who delivers an opinion in open court, analysing the legal arguments and suggesting how the case ought properly to be disposed of in a case?**

No.

However, where there is no one in a position adequately to present the case for a party, and an important question of law is involved, the Court may request that the Attorney General appoint independent counsel (formerly know as an *amicus curiae*) to assist the Court.

39. How can proceedings come to an end before a decision is reached by the Court?

In general, proceedings can come to an end at any time before a decision is reached by the Court if claimant so wishes (Rule 38.2(1) of the Civil Procedure Rules 1998 (as amended)). The claimant must file a notice of discontinuance at the Court and serve a copy on each other party (Rule 38.3(1)). (There are exceptions to the right to discontinue, but they are not material for present purposes.)

The death of the claimant will lead to the termination of proceedings if they become academic, for example in a case in which the claimant seeks an order that a public authority provide him with residential accommodation.

Proceedings will also come to an end if the parties settle their differences, or if the defendant concedes the claim.

40. Does the court registry itself forward the various written applications and pleadings to the parties?

No. Paragraph 6.1 to the Practice Direction to Part 54 of the Civil Procedure Rules 1998 (as amended) provides that the Administrative Court Office will not serve documents (other than an order of the Court granting or refusing permission to apply for judicial review, together with reasons if the matter has been dealt with without a hearing) on behalf of the parties.

41. Who is responsible for providing the evidence? The parties or the court?

The parties are responsible for providing evidence to the Court and to each other.

42. How is the hearing conducted? Is it public? Can it take place *in camera* and in which circumstances? Who can take part in the hearing and how (in writing, orally)?

The general rule in the Administrative Court, provided for by Rule 39.2(1) of the Civil Procedure Rules 1998 (as amended), is that hearings are to be in public[17]. Rule 39.2(3) of the Civil Procedure Rules provides that a hearing or any part of it may be held in private if:

- publicity would defeat the object of the hearing;
- it involves matters relating to national security;
- it involves confidential information (including information relating to a criminal investigation or information relating to personal financial matters) and publicity would damage that confidentiality;
- a private hearing is necessary to protect the interests of any child or patient;
- it is a hearing of an application made without notice and it would be unjust to any respondent for there to be a public hearing;
- it involves uncontentious matters arising in the administration of trusts or in the administration of a deceased person's estate; or
- the court considers it to be necessary, in the interests of justice.

Paragraph 1.4 of Practice Direction 39A of the Civil Procedure Rules 1998 (as amended) states that the issue of whether the matter is to be heard in private is one for the judge, having regard to any representations which have been made. By virtue of paragraph 1.4A, the Judge should have regard to Art 6(1) of the ECHR, and may need to consider whether the case is within the exceptions set out in that article.

In practice, very few Administrative Court proceedings are held in private.

Any party to the claim may take part orally in the hearing, either in person or through an advocate with appropriate rights of audience. Advocates are required to provide a short "skeleton argument" in advance of the hearing. These are written submissions which set out, in skeleton form, the arguments to be deployed.

Any person may attend a hearing as a friend of any party, take notes and provide advice to that party. With permission of the Court a non-lawyer may address the court on behalf of a party.

43. When and how is judicial deliberation conducted? Who can take part in it?

Judicial deliberation is undertaken in private solely by the members of the Court who heard the case, following a hearing in open court at which each party has the opportunity to present evidence (if applicable) and to make representations on the issues before the Court. No judge delivers an opinion before judgment is given by all the judges of the Court.

[17] Although note that Rule 39.2(2) provides that the Court is not under an obligation to make special arrangements for accommodating members of the public.

C. JUDGMENT

44. How are the grounds of the decision given? In detail or more briefly?

Judgments take account of the arguments of the parties, and address the points in issue. A judgment should set out the evidence on which the decision is based, with an explanation as to why controversial evidence has been accepted or rejected. The principal legal issues must also be addressed and reasons given for legal conclusions. It is not necessary to address points that are insignificant, i.e. can have no bearing on the result.

Judgment is given by the Judge in open Court either orally immediately following the hearing (an "extempore" judgment) or, if the issues require further deliberation, at a later date, in which case normally the judgment will be handed down in writing. If an oral judgment is given, the parties are entitled to a transcript. Judgments on all substantive hearings are posted on the Internet.

Failure to give adequate reasons for a decision will amount to an error of law which would entitle the losing party to appeal to the Court of Appeal, Civil Division[18].

Generally, Administrative Court judgments would be regarded as giving detailed grounds for the decision. In the case of tribunals, the detail required depends on the subject matter and the nature of the issues.

45. What are the reference norms [international norms, European norms (Convention for the Protection of Human Rights, Community law), constitution, law, jurisprudence, personal conviction]?

The generally applicable norms are: statute law, the common law (derived from decisions of the courts), the European Convention on Human Rights in cases which concern rights under that Convention, and EU law in cases concerning Community law. Other treaties that have not been incorporated by statute into English Law will be taken into account. There is no written constitution in the normal sense, but various statutes (such as the Human Rights Act 1998 and the Constitutional Reform Act 2005) contain constitutional provisions.

46. Which criteria and methods of review are used by the court?

The grounds for judicial review are summarised above under question 2.

The Administrative Court will not substitute its decision for that of the public authority, unless it is clear that there was only one decision that the authority could lawfully make. That is rare. The Court will generally respect the liberty of an administrative authority to make any of a range of decisions lawfully open to it, provided it has acted fairly within the scope of its powers and complied with its legal duties. Where the question arises whether the decision of an authority was perverse, or disproportionate (an issue that arises in cases involving rights under the European Convention on Human Rights

[18] See, for example, *Eagil Trust Co Ltd v Pigott-Brown* [1985] 3 All ER 129 (Court of Appeal)

and possibly elsewhere), the court considers whether other decisions were open to the authority.

The Court of Appeal has all the powers of the lower court from which an appeal is brought, as does the House of Lords.

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47. How are legal costs apportioned?

The general rule is that the costs follow the event. In general, therefore, the losing party will be required by the Court to pay all, or a proportion, of the costs of the winning party. The issue of costs is at the discretion of the Court and the Court may, therefore, exempt a party from paying costs. The Judge hearing the claim may summarily assess the costs to be awarded, or refer the matter to the Supreme Court Costs Judges for a more detailed assessment. Individual claimants who are in receipt of public funding of their lawyers' fees are in practice exempt from any liability for the costs of a successful public authority defendant.

48. Is it more usual for the case to be decided by a single judge or by a number of judges?

In the Administrative Court, it is usual for the case to be decided by a single High Court judge. However, a Divisional Court of two, and sometimes three, judges, will hear cases of unusual importance. A Court of Appeal Judge will often sit as a member of a Divisional Court.

Appeals to the Court of Appeal are almost always heard by three judges of that Court, although it is open to the Court to direct that the Court be constituted by two Lords Justices, or indeed by two Lords Justices and a High Court Judge.

The House of Lords usually sits in a panel of 5 judges. Cases of exceptional importance may be heard by 7 or even 9 members of the Judicial Committee of the House.

49. Where the case is heard by several judges, is the expression of individual judicial opinions allowed (dissenting opinions)?

Yes.

50. Is the decision delivered in writing, or orally?

See above under question 44.

D. EFFECTS OF DECISIONS AND EXECUTION OF JUDGMENT

51. What is the authority of the decision? *Res judicata, stare decisis*?

Most judgments only produce legal effects (as *res judicata*) as between the parties to the proceedings. However, in certain cases the legal effects are wider, as where secondary legislation is held to be *ultra vires* and is quashed.

A decision of the Court may be cited as precedent in a subsequent case which involves similar factual and legal issues. The principle of *stare decisis* applies to all substantive

decisions of the Court of Appeal and the House of Lords, and to decisions of a Divisional Court of the Administrative Court: their decisions are binding on all lower courts and tribunals. In addition, with minor exceptions, a decision of the Civil Division of the Court of Appeal is binding on subsequent Courts of Appeal.

52. Can the court limit the effects of the judgment in time?

The Court has power limit the effect of its judgment so that it applies prospectively only. It would do so in exceptional circumstances only and in practice this has never been done.

53. **Is the right to the execution of judicial decision guaranteed in your country? Specify if it is uniformly guaranteed, or through a specific judicial procedure. Indicate if there is a distinction between implementation of the judgment by administrative authorities and implementation of the judgment by private persons. Specify if the court has the power of injunction, possibly completed by coercive fine, in order to secure compliance with the judicial decision.**

Public authorities other than central government ("the Crown") are in the same position as private individuals so far as the execution of judgments is concerned. A successful claimant has a right to enforce his judgment, if necessary by legally assured procedures. There are special provisions relating to the execution of judgments against the Crown, contained in the Crown Proceedings Act 1947. In practice, judgments against public authorities are always complied with.[19]

54. Is there a policy in your country to reduce the length of time needed for the proper disposal of cases before the courts? If so, how is that policy implemented?

There has been a general effort, as a result of the introduction of the Civil Procedure Rules 1998, to reduce the length of time required for disposal of cases before the Courts to a minimum. Generally, this has been done by increasing the case management powers of the court and requiring the parties to act with expedition.

The Court of Appeal, Civil Division maintains a document listing the periods within which it aims to hear certain categories of case[20]. The current time period within which the Court of Appeal aims to hear judicial review appeals is 8 months from the date on which the appeal is issued by the Civil Appeals Office Registry.

E. REMEDIES

55. How are various functions or/and competencies shared out between the lower courts and the supreme courts?

See above.

All applications to the High Court for judicial review go to the Administrative Court. The fact that, for example, a senior minister or government department is involved does not affect the level of judge who will hear a case. However, if the point at issue is of

[19] There have been a very small number of exceptions, mainly due to accident rather than design.
[20] See http://www.hmcourts-service.gov.uk/cms/files/Hearby_Dates_2003D.pdf

public importance and difficult, a Divisional Court of 2 or 3 judges will normally hear it rather than a single judge.

56. Are there remedies to challenge a judgment before a higher court? Describe these remedies and their functioning.

An appeal to the Court of Appeal, Civil Division against a decision of the Administrative Court on a judicial review claim is available on a point of law only. The same applies to appeals from the Court of Appeal to the House of Lords.

Appeals from specialist tribunals to the High Court or the Court of Appeal (as appropriate) are generally available on a point of law only.

F. EMERGENCY PROCEEDINGS AND SUMMARY JURISDICTION / APPLICATIONS FOR INTERIM RELIEF

57. Are there emergency and summary jurisdiction proceedings?

Yes. The Administrative Court maintains a procedure for consideration of urgent judicial review claims. Paragraph 21 of the Administrative Court Guide states that where a claimant seeks urgent consideration, he must specify, on the appropriate form, the need for urgency and the timescale for consideration. If an interim injunction is sought in order to preserve the claimant's position, a draft order is required, together with the grounds for the injunction sought. The claim form and application for urgent consideration must be served on the other parties by fax and post, advising them of the application and that they may make representations. In particularly urgent cases arising out of court hours, a remedy may be obtained by telephone application to a duty judge.

A party applying for urgent consideration of an appeal to the Court of Appeal, Civil Division must state that the matter is urgent in his Appellant's Notice. The matter will then be placed before a Lord Justice for directions as soon as possible following receipt of sufficient papers to allow the Court of Appeal properly to consider the matter.

There are no summary jurisdiction proceedings.

58. What types of requests can be made to the emergency and summary jurisdictions? Ascertainment of a situation? The obligation for administrative authorities to communicate a document? The suspension of the execution of an administrative act? The payment of a provision?

Requests for urgent consideration often involve an application for an interim injunction to preserve the Applicant's position, for example to prevent the deportation of a failed asylum seeker, or for an order staying proceedings, to prevent the implementation of a challenged administrative decision. A public authority may be required to produce a relevant document or to make a decision it is under a duty to make. Where necessary, a speedy trial may be ordered, which in an extreme case may take place within a week of the bringing of the claim.

There is no procedure for ascertainment of a situation.

59. Are there different kinds of summary jurisdiction? General or specific to certain litigants?

See answers to questions 10 and 57 above.

III – CAN ADMINISTRATIVE DISPUTES BE SETTLED BY NON-JUDICIAL BODIES ?

60. Can disputes be settled by administrative authorities themselves? How?

In certain cases, the law provides for an individual to have the right to require an administrative decision to be reviewed internally by a public authority. The review may result in a decision that reverses or confirms the earlier decision. Generally, however, it is open to an administrative authority to review an administrative decision and to change it.

It is open to the parties, pursuant to Paragraph 17 of the Practice Direction to Part 54 of the Civil Procedure Rules 1998 (as amended), to agree a final order disposing of the matter with the consent of the Court. The parties must file two copies of the proposed order, together with a statement of reasons and copies of any authorities relied upon. The Court make an order in the terms provided if it is satisfied on consideration of the documentation provided by the parties that it should do so.

61. Can administrative disputes be settled by independent bodies (offices, agencies, ombudsman, mediators, regulation authorities)?

There are a number of administrative decisions (for example in the National Health Service) which may be the subject of an internal review mechanism provided for by legislation. In respect of the National Health Service there is also a right, in certain circumstances, to bring a complaint to the Health Service Commissioners.

In other areas statute provides an Ombudsman's service, which may be utilised by a claimant in an attempt to resolve his claim without litigation. A decision of the Ombudsman in such cases is generally susceptible to judicial review.

Access to the Administrative Court is generally precluded if there is an available and suitable review mechanism until it has been utilised.

Mediation may be sought by the parties, and its use is encouraged by the courts in appropriate circumstances.

62. Can administrative disputes be resolved by means other than recourse to the courts?

See the previous answer. In addition the Court has a duty, under Rule 1.4 of the Civil Procedure Rules 1998 (as amended) to encourage the parties to use alternative dispute resolution and to facilitate its use if it considers that appropriate.

IV – ADMINISTRATION OF JUSTICE AND STATISTIC DATA

A. Financial resources made available for the review of administrative acts?

63. On average, what proportion of the State budget is allocated to the administration of justice? Specify for administrative justice when it exists and is distinguished from ordinary justice.

Net operating costs of the entire Court Service (taken from Court Service accounts):

2002/2003	£587.8m
2003/2004	£555.2m

It is not possible to provide average costs in terms of staff, operation and equipment for the Administrative Court.

64. Specify the total number of magistrates and judges working within the legal system concerned.

Judges (Courts, including part time members): 3710
Magistrates (lay members): 28,029
Tribunal appointments: 1927

65. What percentage of judges is assigned to the review of administrative authorities?

1% of judges (not including tribunal appointments)
37% (including tribunal appointments)

The Administrative Court; 37 High Court Judges who sit from time to time in the Administrative Court; 7 Lords Justice of Appeal (Court of Appeal judges who sit from time to time in the Administrative Court).

66. Apart from registry staff, are judges helped by assistants in their research and decisions? Specify the number of assistants (overall and per judge) and their professional training (university, the Bar, etc.)

No judicial assistants are assigned to the Administrative Court. The Office staff includes 10 lawyers responsible for case management.

67. Do you have a library, and what kind of works and documentary resources can be found there?

Yes. The Royal Courts of Justice, where the Administrative Court sits, has a library which includes the published law reports of cases decided in England and Wales and Scotland, and textbooks on English Law, including Administrative law. In addition, judges who sit in the Administrative Court have their personal library which includes the law reports and appropriate textbooks.

68. Do you have access to information technology ? In which proportion ? And for which kind of task (file management, data bases, computer assistance for writing decisions?)

Yes. All judges of the Administrative Court have access to a computer, and through the computer to law reports and some textbooks published on the Internet, and to some textbooks on CD-Rom. Computers are used to produce written judgments, either by the Judge or by his clerk (effectively his personal assistant).

69. Do competent bodies and courts have a website to publicise themselves and to communicate with the public?

HM Courts Service has a website, within which procedural rules, selected judgments and other documents are also available. Within this website the Administrative Court Office publishes guidance, newsletters and annual reports. Some tribunals also have websites containing similar information.

B. Other statistics and figures

70. How many new applications are registered every year with the court registry or the authority in charge of registering them?

71. How many cases are heard every year by the court or other competent bodies?

72. Could you provide figures concerning cases currently lodged with courts or competent bodies which have not yet been disposed of?

73. What is the average time taken between the lodging of a claim and judgement?

Judicial Review

Reference year	Cases lodged	Cases disposed of	Average time to decision on permission to apply for judicial review	Average time to substantive decision
2003	5938	5612	7.6 weeks	31.1 weeks
2004	3200	4697	6.8 weeks	32.6 weeks

Reviews of Immigration and Asylum Tribunal decisions (no oral hearing)

Reference year	Cases lodged	Cases disposed of	Average time to judgment
2003	378	293	1.3 weeks
2004	1815	1758	2.4 weeks

Other applications/appeals

Reference year	Cases lodged	Cases disposed of	Average time to judgment
2003	571	529	20.7 weeks
2004	596	1416	17.4 weeks

Cases pending - All types

Reference year	*Cases pending*
2003	*2708*
2004	*2326*

Growth of judicial review from 1980

Year	*Cases filed*		*Year*	*Cases filed*
1980	491		1992	2439
1981	533		1993	2886
1982	685		1994	3208
1983	850		1995	3604
1984	915		1996	3901
1985	1169		1997	3739
1986	1189		1998	4363
1987	1529		1999	4458
1988	1229		2000	4240
1989	1580		2001	4725
1990	2129		2002	5144
1991	2089		2003	5944
			2004	4200*

* First full year of the replacement of judicial review by statutory review to challenge refusal of leave to appeal by Immigration and Appeal Tribunal

74. Indicate the percentage and rate of the annulment of administrative acts decisions against administrative authorities by the lower courts.

The Administrative Court:

In 2003 36% of substantive applications (405) for judicial review (civil) were allowed.

In 2004 32% of substantive applications (113) for judicial review (civil) were allowed.

75. Could you indicate the volume of litigation per field (asylum, foreigners, tax, urban planning, etc.)?

Litigation in the Administrative Court

Year	Asylum	Asylum support	Immigration	Planning	Others
2003	2441	1576	220	323	2326
2004	3106	499	434	294	2277

C. The economics of administrative justice

76. Do studies by researchers or work produced by practitioners demonstrate particular concerns by the courts , for example about orders for damages ; do they deal with the influence of heavy awards against administrative authorities on public budgets ? Do they consider the implications of their decisions in terms of costs for public finances?

Not as far as is known.