

Justice Out of London

A. JURISDICTION

Judicial review - of decisions of inferior courts and tribunals, public bodies and persons exercising a public function. Criminal cases may arise from decisions of magistrates' courts or the Crown Court when it is acting in its appellate capacity.

Statutory appeals and applications - the right given by certain statutes to challenge decisions of e.g. Ministers, Local Government, Tribunals.

Applications for order directing reconsideration by Asylum and Immigration Tribunal

Appeals by way of case stated - appeals against decisions of magistrates' courts and the Crown Court (predominantly criminal cases)

Appeals from decisions of regulatory/professional bodies e.g. under the National Health Service Reform and Health Care Professions Act 2002; Solicitors Act 1974

Appeals against decision in extradition process

Applications for habeas corpus

Applications for committal for contempt - in criminal cases

Applications for an order preventing a vexatious litigant from instituting or continuing proceedings without the leave of a judge

Applications under the Coroners Act 1988 - for a fresh inquest on the fiat of HM Attorney General

Applications under the Drug Trafficking Act 1994 and the Criminal Justice Act 1988 - applications for variation of restraint orders, applications to appoint a receiver; and applications for certificates of inadequacy, under these Acts. The Proceeds of Crime Act 2002 has removed the jurisdiction to make restraint orders to the Crown Court, but cases in which restraint orders were granted prior to the commencement of those provisions remain with the Administrative Court.

Applications under the Proceeds of Crime Act 2002 - applications under Parts 5 and 8 of the Proceeds of Crime Act 2002 for recovery orders, interim receiving orders, production orders, search and seizure warrants, disclosure orders, customer information orders and account monitoring orders. The applications are of their nature usually urgent.

Applications under the Terrorism Act 2000 – extending detention of persons suspected of involvement in terrorist activities

Applications under the Prevention of Terrorism Act 2005 - for control orders (restricting the movements and activities of persons for the protection of the public from risk of terrorism)

B. SINGLE JUDGE OR DIVISIONAL COURT ?

Some matters are required by statute or rules of Court to be heard by a Divisional Court (i.e. a court of two or more judges):

Applications for committal for contempt where the contempt (a) is committed in connection with (i) proceedings before a Q.B. Divisional Court, (ii) criminal proceedings (except where it is in the face of the court or disobedience to an order), (iii) proceedings in an inferior court or (b) is committed otherwise than in any proceedings;

Appeals from the Law Society Disciplinary Tribunal.

Applications under s.13 of the Coroners Act 1988 (with fiat of the Attorney General);

Applications for vexatious litigant orders under s.42 of the Supreme Court Act 1981;

Applications relating to parliamentary and local government elections under the Representation of the People Acts (unless exercisable by a single judge by express statutory provision).

Others can be and usually are heard by a Divisional Court:

1. Applications for judicial review in a criminal cause or matter;
2. Applications for leave to apply for judicial review in a criminal cause or matter, after refusal by a single judge (whether on paper or after oral argument);
3. Appeals by way of case stated in a criminal cause or matter, whether from the Crown Court or from a magistrates court;

The remaining matters in the Administrative Court List will generally be heard by a single judge.