

Our Ref:

Date: 8 April 2021

Judicial Review Reform  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

By email only: [judicialreview@justice.gov.uk](mailto:judicialreview@justice.gov.uk)

Dear Sirs

## Judicial Review Reform: The Government Response to the Independent Review of Administrative Law

We write to request that the Ministry of Justice extend the duration for responses to the recently announced consultation on Judicial Review Reform (“the Consultation”).

The Consultation asks 19 questions on a range of significant proposed reforms to judicial review, including substantive reform in relation to remedies and appeals; procedural reform, such as that of time limits and the pre-action protocol; and consideration of the boundaries of judicial review in examining ouster clauses and nullity.

The Consultation opened on 18 March 2021. The deadline for responses to the Consultation is 29 April 2021. This allows just six weeks for responses, a ludicrously short amount of time given the complexity of the issues, significance of the proposals and the lack of urgency for reform, let alone the intervening Easter and school holiday period.

While the panel for the Independent Review of Administrative Law (“IRAL”) had a number of months to consider their terms of reference (highlighting in the first paragraph of their report that they had sympathy with the view that the period of time given was “inadequate given the complexity, scope, and importance of the issues”), the Consultation on the government’s response to the IRAL allows just six weeks for response. This is despite the fact that a number of the proposals go substantially beyond the recommendations and scope of the IRAL.

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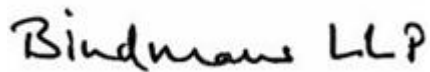
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To allow for any meaningful opportunity to respond, the Consultation's duration should be at least 12 weeks. This would make the deadline for response 10 June 2021 at the earliest. We can see no detriment to the Ministry of Justice in allowing a further six weeks (or more) for consultation responses - rather, it would be of great benefit to the Ministry to draw on the responses of those who have been sufficient time to meaningfully consider and address the proposals. No reason has been given for the short 6-week response deadline, and we are not aware of any wider, public interest issue that gives rise to an urgent need for this review.

We therefore urge you to reconsider the current timeframe for response. Given the significance of the proposed reforms, it is vital that respondents are given sufficient time to meaningful respond to the complex questions asked. Without a proper consultation, any implementation of the proposals may be fundamentally flawed and unlawful.

In light of the current deadline for response of Thursday 29 April 2021, we would be grateful if you could respond by **Monday 19 April 2021**.

Yours faithfully

A handwritten signature in black ink that reads "Bindmans LLP". The script is cursive and somewhat informal.

Bindmans LLP