

## **EQUIPPING THE NORTH WEST FOR THE FUTURE**

### **DEVELOPMENT OF A REGIONAL JUSTICE CENTRE IN THE NORTH WEST**

### **ADMINISTRATIVE COURT WORK ON THE NORTHERN CIRCUIT**

#### Introduction

1. This paper argues the case for Administrative Court work to be heard on the Northern Circuit.
2. Information about the North West Region is provided in the paper on Chancery and Commercial work. This paper does not repeat that information but draws upon it for parts of its contents.
3. At present all Administrative Court work from the Circuit is heard in London. Unlike Chancery and Commercial work, except for a short period some years ago, there is no experience of administrative court work on Circuit. On that occasion arrangements made for the work were not sufficient to ensure that it was heard, and High Court judge time was not made available on a regular basis to hear the work..
4. That means that the involvement of the Bar on the Northern Circuit with Administrative Court work is not a true reflection of Administrative Court work currently available on Circuit. Solicitors involved on Circuit with

Administrative Court work now tend to use London Counsel as they have to issue proceedings in London. Counsel there are closer to the Courts and local counsel are cheaper to use as a consequence. Even so there are currently some 280<sup>1</sup> cases a year in the Administrative Court involving members of the Northern Circuit. Solicitors in the major firms in the North West are supportive of administrative court work on circuit provided it is organised and serviced properly. If account is taken of the legal profession in the North West as a whole there will be considerably more cases emanating from the North West.

5. The current involvement across the range of Administrative Court work on the part of the Northern Circuit demonstrates that there is a range of expertise and competence on circuit that can service an Administrative Court based on a regional centre.
6. The absence of Administrative Court work on Circuit operates as a major handicap to the legal profession in the North in that it is not able to offer a full range of legal service to the service users. That is an anomaly given the strength and breadth of legal practices in the region. There is the concomitant disadvantage to the potential local service user. Some 5.5% of the region's total population are ethnic minorities. There are also significant numbers of disabled and others suffering social disadvantage. They will often be affected by issues of housing, access to social services and immigration which they seek to challenge by judicial review. At present they are unable to access that remedy locally.

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<sup>1</sup> figure from survey carried out of sets of chambers on circuit

7. It is of note that the Consultation paper "*Focusing Judicial Resources Appropriately*" envisaged that there was scope for dealing with Administrative Court work at regional level<sup>2</sup>, possibly in recognition of the weakness of the current system. There do not appear to have been any adverse responses to this proposal in the responses to the Consultation Paper.

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<sup>2</sup> para 79 p32 *Focusing Judicial Resources Appropriately*

## Administrative Court Work on the Northern Circuit

8. The aim of Administrative Court work on Circuit must be to provide an improved service to the service users in terms of efficiency, convenience and cost but without any compromise of judicial quality. It must be to ensure that the Administrative Court work is dealt with at the most appropriate level of the court system by the focusing of judicial resources appropriately.
9. Judicial review proceedings must be able to be issued on Circuit and the whole proceedings run and administered on Circuit. That will mean the allocation of specific office staff additionally trained in Administrative Court work (possibly after a short period of training in London in the Administrative Court to develop the specialist expertise.) That can be achieved by the deployment of existing staff to acquire the relevant skills.
10. It is important that the entirety of the judicial review process takes place in a regional centre as it gives the incentive to issue proceedings in the North. The proceedings will be speedier than if they were issued in London and then put out to the Circuit. There will be simultaneous benefits in London as a result by easing pressure on the over stretched Administrative Court Lists.  
  
Administrative Court work on Circuit will have the benefit of being more cost effective and more convenient. That combination will make the facility attractive to local solicitors which will encourage them to use it. Solicitors are already supportive of the concept of Administrative Court work on circuit.
11. Despite the introduction of the video link in judicial review proceedings which is of great advantage for applications that have to be made at speed its

use is still restricted and it does not overcome the basic problem of inconvenience and expense of proceedings in a different venue.

12. A regional centre would allow ease of access to local justice to the local Claimant and Respondent thereby avoiding the necessity for journeying to London with all the attendant costs and inconvenience. One example quoted in the survey conducted involved a judicial review with a North Western Claimant, a North Western local authority and a North Western Interested Party. All parties except for one were represented by solicitors firms and Counsel on Circuit but all including the Claimant had to travel to London for the hearing with the associated expense and inconvenience that that involves.
13. The establishment of a regional centre in which to hear Administrative Court work thus works in favour of fair access to justice by all regardless of means.
14. In terms of resources it would mean having specialised members of staff trained in Administrative Court procedures It is vital that the initial reputation of the service is of one that is of high quality.
15. From that initial start a further cadre of personnel, if required, can be developed from within existing staff and trained by those members of staff that are already in post and dealing with administrative court work.
16. Initially it is not unreasonable to think of about 250 cases a year to be heard on Circuit based on current figures. As the reputation of the service grows it is not unreasonable to think in terms of 300-400 cases a year, possibly more.
17. The survey of the existing Administrative Court work on Circuit shows that current cases are in mental health, education, human rights and civil liberties,

housing, immigration, planning and environmental areas of the law. There is thus expertise in the local Bar to service the range of work carried out by the Administrative Court. There is experience in all of those areas too on the part of the solicitors in the region.

18. To deal with that case load there would need to be an authorised High Court Judge on circuit who could deal with Administrative Court work. He/she would need to be available to deal with interim hearings and applications as well as substantive hearings. Given the number of QBD judges who are on circuit at any one time (at least 5 and often more) it is likely that there will usually be at least one and probably more ticketed judges available to hear the work.
19. In addition, there should be appropriate Deputy High Court Judges specifically designated to deal with Administrative Court work to assist. There is one on Circuit already.
20. In terms of administration it is thus clear that subject to the deployment of appropriate High Court resources and staff training that there is sufficient expertise in terms of judicial experience, at the Bar and in firms of solicitors to cover the Administrative Court List. There is the appropriate physical space on circuit, and especially so given the new Court Buildings. The quality of accommodation in the north upon the opening of the new Court buildings will be superior to that on offer in London for Administrative Court work for judges, the legal profession and service users. It will have the advantage also of relieving the pressure for additional space in London in the Administrative Court. The flagship quality and reputation of the new Regional Court Centre

will be enhanced if it were known that the full range of High Court work was to be carried out within them

21. What is important is that the scheme established works effectively from the outset. Assuming that is the case it will then be attractive for local solicitors and local authorities to use. If the reputation is high then solicitors from other parts of the country but, for example, challenging a decision on the part of a northern local authority will then also issue in the local registry. Thought should be given to make it obligatory to issue in the local registry in those circumstances. To make it so would be no different to the current situation except that now all proceedings have to be issued in London except in Wales.

22. The advantages of a Regional Centre for Administrative Court work in terms of access to justice, cost, speed and comparable quality of judge power mean that the scheme should be readily saleable to the local market which is important in establishing such a scheme. As pointed out it would be advantageous to London and the work load there so it is not unreasonable to think that London would/should support such an operation.

23. Once established there is no reason to suppose that that the volume of work or the reputation for dealing with it will not continue to grow so that it becomes a regular part of judicial duties on Circuit and work on the Northern Circuit.

### **Conclusions**

24. The case for Administrative Court work on Circuit is recognised by the DCA in its Consultation Paper "*Focusing Judicial Resources*" to which there was no dissent in the consultation responses.

25. By providing local access to justice by the provision of an Administrative Court centre on Circuit there are clear advantages to the local population<sup>4</sup> in the North West.

26. There is sufficient local expertise in the North West on the part of northern solicitors and the local Bar to be able to provide work and service it on Circuit.

27. There is adequate judicial resource to be able to provide the appropriate judicial quality that such a scheme needs from the outset.

FRANCES PATTERSON Q.C.

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October 2006

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<sup>4</sup> 6.8million people live in the North West ( 11.4% of the population on the country)