

PRESS SUMMARY

Important note: This summary forms no part of the court’s decision. It is provided to assist the press and the public to understand what the court decided. The full judgment of the Divisional Court is the only authoritative document. Judgments are public documents and are available at www.judiciary.uk and caselaw.nationalarchives.gov.uk, using the neutral citation number [[2026] EWHC 1123 (Admin)]. References in square brackets are to paragraphs of the full judgment.

R (Martin and others) v Chancellor of the Exchequer and others

Divisional Court of the High Court, King’s Bench Division

PRESS SUMMARY

1. This case concerned a challenge to the Government’s approach to consultation in relation to reforms to inheritance tax reliefs for agricultural and business property.
2. The claimants were two individual farmers and an association representing farmers and business owners. The defendants were the Chancellor of the Exchequer and HM Revenue and Customs. The Speaker of the House of Commons was an interested party.

BACKGROUND

3. In the Autumn Budget of 30 October 2024, the Chancellor announced changes to Agricultural Property Relief and Business Property Relief. Previously, qualifying property could benefit from 100% inheritance tax relief without limit. Under the reforms, full relief would be capped, with relief above the cap reduced. [1]
4. At the same time, the Government indicated that it would carry out a technical consultation. That consultation, published in February 2025, focused on how the reforms would apply in relation to property held in trusts and did not invite views on the policy decision to introduce the reforms themselves. [1], [2]
5. The reforms were subsequently enacted by Parliament as part of the Finance Act 2026. [4]

THE CLAIM

6. The claimants did not challenge the legality of the tax reforms themselves. Instead, they argued that the Government acted unlawfully by limiting the scope of consultation. [5], [31]
7. They contended that published policy documents created a legitimate expectation that there would be public consultation on the substance of significant tax reforms, and that the failure to consult on these proposed reforms was unfair and unlawful. [28]-[34]
8. The defendants resisted the claim and argued, among other things, that it lacked substantive merit, was brought too late and that it was not justiciable. The Speaker intervened to argue that the claim was not justiciable because it concerned matters reserved to Parliament. [6], [7]

THE COURT'S DECISION

9. The Divisional Court (Lady Justice Whipple and Mr Justice Fordham) refused permission for judicial review [10]. The Court held that the claim failed for three independent reasons:
 - a. No legitimate expectation: The policy documents relied on did not contain a clear and unambiguous promise that the Government would consult on the merits of tax policy changes in every case. The documents contained qualifications and exceptions and offered essentially political commitments which were not legally binding [53]-[64]. The other grounds of claim were different ways of making the same argument and they failed too [66]-[70].
 - b. Delay: The relevant decision was announced on 30 October 2024. The claim was not brought until May 2025 and was therefore out of time [74]-[78].
 - c. Non-justiciability: The decision challenged formed part of the Budget and Finance Bill process, which falls within Parliament's constitutional responsibility. Reviewing the scope or adequacy of consultation in that context would infringe Parliamentary privilege and the separation of powers [102]-[109].

RESULT

10. For these reasons, permission for judicial review was refused [10], [117]