



# Tribunals, Courts and Enforcement Act 2007

## 2007 CHAPTER 15

### PART 1

#### TRIBUNALS AND INQUIRIES

#### CHAPTER 2

#### FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

#### *“Judicial review”*

### 15 Upper Tribunal's “judicial review” jurisdiction

- (1) The Upper Tribunal has power, in cases arising under the law of England and Wales or under the law of Northern Ireland, to grant the following kinds of relief—
  - (a) a mandatory order;
  - (b) a prohibiting order;
  - (c) a quashing order;
  - (d) a declaration;
  - (e) an injunction.
- (2) The power under subsection (1) may be exercised by the Upper Tribunal if—
  - (a) certain conditions are met (see section 18), or
  - (b) the tribunal is authorised to proceed even though not all of those conditions are met (see section 19(3) and (4)).
- (3) Relief under subsection (1) granted by the Upper Tribunal—
  - (a) has the same effect as the corresponding relief granted by the High Court on an application for judicial review, and

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**Changes to legislation:** *Tribunals, Courts and Enforcement Act 2007, Section 15 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (b) is enforceable as if it were relief granted by the High Court on an application for judicial review.
- (4) In deciding whether to grant relief under subsection (1)(a), (b) or (c), the Upper Tribunal must apply the principles that the High Court would apply in deciding whether to grant that relief on an application for judicial review.
- (5) In deciding whether to grant relief under subsection (1)(d) or (e), the Upper Tribunal must—
- (a) in cases arising under the law of England and Wales apply the principles that the High Court would apply in deciding whether to grant that relief under section 31(2) of the Supreme Court Act 1981 (c. 54) on an application for judicial review, and
  - (b) in cases arising under the law of Northern Ireland apply the principles that the High Court would apply in deciding whether to grant that relief on an application for judicial review.
- [<sup>F1</sup>(5A) In cases arising under the law of England and Wales, subsections (2A) and (2B) of section 31 of the Senior Courts Act 1981 apply to the Upper Tribunal when deciding whether to grant relief under subsection (1) as they apply to the High Court when deciding whether to grant relief on an application for judicial review.
- (5B) If the tribunal grants relief in reliance on section 31(2B) of the Senior Courts Act 1981 as applied by subsection (5A), the tribunal must certify that the condition in section 31(2B) as so applied is satisfied.]
- (6) For the purposes of the application of subsection (3)(a) in relation to cases arising under the law of Northern Ireland—
- (a) a mandatory order under subsection (1)(a) shall be taken to correspond to an order of mandamus,
  - (b) a prohibiting order under subsection (1)(b) shall be taken to correspond to an order of prohibition, and
  - (c) a quashing order under subsection (1)(c) shall be taken to correspond to an order of certiorari.

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#### Textual Amendments

- F1** S. 15(5A)(5B) inserted (8.8.2016) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 84\(4\), 95\(1\)](#); [S.I. 2016/717](#), [art. 3\(c\)](#) (with [art. 6](#))
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#### Modifications etc. (not altering text)

- C1** S. 15 excluded (31.12.2023 in relation to accounting periods commencing on or after that date) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), [s. 264](#), [Sch. 14 para. 65\(3\)](#)
- C2** S. 15(1): functions transferred (3.11.2008) by virtue of The First-tier [Tribunal and Upper Tribunal \(Chambers\) Order 2008 \(S.I. 2008/2684\)](#), [art. 7\(b\)\(i\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)