



Senior Courts Act 1981

1981 CHAPTER 54

PART II

JURISDICTION

THE HIGH COURT

Other particular fields of jurisdiction

31 Application for judicial review.

- (1) An application to the High Court for one or more of the following forms of relief, namely—
- [^{F1}(a) a mandatory, prohibiting or quashing order;]
 - (b) a declaration or injunction under subsection (2); or
 - (c) an injunction under section 30 restraining a person not entitled to do so from acting in an office to which that section applies,
- shall be made in accordance with rules of court by a procedure to be known as an application for judicial review.
- (2) A declaration may be made or an injunction granted under this subsection in any case where an application for judicial review, seeking that relief, has been made and the High Court considers that, having regard to—
- (a) the nature of the matters in respect of which relief may be granted by [^{F2}mandatory, prohibiting or quashing orders];
 - (b) the nature of the persons and bodies against whom relief may be granted by such orders; and
 - (c) all the circumstances of the case,
- it would be just and convenient for the declaration to be made or the injunction to be granted, as the case may be.
- (3) No application for judicial review shall be made unless the leave of the High Court has been obtained in accordance with rules of court; and the court shall not grant leave to

Status: Point in time view as at 19/07/2007. This version of this provision has been superseded.

Changes to legislation: Senior Courts Act 1981, Section 31 is up to date with all changes known to be in force on or before 31 May 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)

make such an application unless it considers that the applicant has a sufficient interest in the matter to which the application relates.

- [^{F3}(4) On an application for judicial review the High Court may award to the applicant damages, restitution or the recovery of a sum due if—
- (a) the application includes a claim for such an award arising from any matter to which the application relates; and
 - (b) the court is satisfied that such an award would have been made if the claim had been made in an action begun by the applicant at the time of making the application.]
- (5) If, on an application for judicial review seeking [^{F4}a quashing order], the High Court quashes the decision to which the application relates, the High Court may remit the matter to the court, tribunal or authority concerned, with a direction to reconsider it and reach a decision in accordance with the findings of the High Court.
- (6) Where the High Court considers that there has been undue delay in making an application for judicial review, the court may refuse to grant—
- (a) leave for the making of the application; or
 - (b) any relief sought on the application,
- if it considers that the granting of the relief sought would be likely to cause substantial hardship to, or substantially prejudice the rights of, any person or would be detrimental to good administration.
- (7) Subsection (6) is without prejudice to any enactment or rule of court which has the effect of limiting the time within which an application for judicial review may be made.

Textual Amendments

- F1** S. 31(1)(a) substituted (1.5.2004) by [The Civil Procedure \(Modification of Supreme Court Act 1981\) Order 2004 \(S.I. 2004/1033\)](#), [art. 4\(a\)](#)
- F2** Words in s. 31(2)(a) substituted (1.5.2004) by [The Civil Procedure \(Modification of Supreme Court Act 1981\) Order 2004 \(S.I. 2004/1033\)](#), [art. 4\(b\)](#)
- F3** S. 31(4) substituted (1.5.2004) by [The Civil Procedure \(Modification of Supreme Court Act 1981\) Order 2004 \(S.I. 2004/1033\)](#), [art. 4\(c\)](#)
- F4** Words in s. 31(5) substituted (1.5.2004) by [The Civil Procedure \(Modification of Supreme Court Act 1981\) Order 2004 \(S.I. 2004/1033\)](#), [art. 4\(d\)](#)

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