



# Judicial Review and Courts Act 2022

## 2022 CHAPTER 35

### PART 2

#### COURTS, TRIBUNALS AND CORONERS

### CHAPTER 2

#### ONLINE PROCEDURE

## 19 Rules for online procedure in courts and tribunals

- (1) For proceedings of a specified kind, there are to be rules which—
- must require that kind of proceedings, or one or more aspects of that kind of proceedings, to be initiated by electronic means;
  - may authorise or require that kind of proceedings, or one or more aspects of that kind of proceedings, to be conducted, progressed or disposed of by electronic means;
  - may authorise or require the parties to that kind of proceedings (and their representatives) to participate in hearings, including the hearing at which the proceedings are disposed of, by electronic means;
- and are otherwise to govern the practice and procedure to be followed in that kind of proceedings.
- (2) The rules are to be called “Online Procedure Rules”.
- (3) Powers to make Online Procedure Rules (see sections 22(1) and 23) are to be exercised with a view to securing—
- that practice and procedure under the Rules are accessible and fair,
  - that the Rules are both simple and simply expressed,
  - that disputes may be resolved quickly and efficiently under the Rules, and
  - that the Rules support the use of innovative methods of resolving disputes.

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*Changes to legislation: There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Chapter 2. (See end of Document for details)*

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- (4) For the purposes of subsection (3)(a), regard must be had to the needs of persons who require online procedural assistance.
- (5) Different Online Procedure Rules may be made for different kinds of proceedings.
- (6) Where Online Procedure Rules require a person—
  - (a) to initiate, conduct or progress proceedings by electronic means, or
  - (b) to participate in proceedings, other than a hearing, by electronic means,Online Procedure Rules must also provide that, if the person is not legally represented, the person may instead choose to do so by non-electronic means.
- (7) Where Online Procedure Rules require a person to participate in a hearing by electronic means, Online Procedure Rules must also provide that a court or tribunal may, on an application or of its own initiative, order or otherwise direct that person, or any other person, to participate by non-electronic means.
- (8) The provision that may be made under subsection (1)(b) includes provision authorising or requiring—
  - (a) any question arising in proceedings, or
  - (b) the final determination of proceedings,to be disposed of by electronic means as a result of steps which the parties take, or fail to take, by electronic means.
- (9) Online Procedure Rules may provide—
  - (a) for circumstances in which proceedings of a specified kind—
    - (i) are not to be governed by the Rules, or
    - (ii) are to cease to be governed by the Rules, and
  - (b) for the proceedings to be governed by the applicable standard rules instead.
- (10) Online Procedure Rules may provide—
  - (a) for circumstances in which excluded proceedings—
    - (i) are to be governed by Online Procedure Rules, or
    - (ii) are to be governed again by Online Procedure Rules, and
  - (b) for the proceedings to cease to be governed by the applicable standard rules.
- (11) For the purposes of subsection (10)(a), proceedings are “excluded” if the proceedings are not governed, or cease to be governed, by Online Procedure Rules under provision of the kind referred to in subsection (9)(a).
- (12) Online Procedure Rules may provide—
  - (a) for proceedings of a specified kind to be taken in a court or tribunal which is not the court or tribunal in which they would be taken if governed by the applicable standard rules;
  - (b) for different proceedings (whether of the same specified kind or different specified kinds) to be taken together in a particular court or tribunal (which need not be the court or tribunal in which any or all of those proceedings would be taken if governed by the applicable standard rules).
- (13) But Online Procedure Rules may not provide—
  - (a) for proceedings to be taken in a court or tribunal that is not established under the law of the jurisdiction in which those proceedings are brought, or

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- (b) for an appeal to be taken in the court or tribunal whose judgment or decision is being appealed against.
- (14) This section is subject to section 21.
- (15) [Schedule 3](#) makes provision about practice directions in relation to proceedings governed by Online Procedure Rules.

#### Commencement Information

- I1** S. 19 not in force at Royal Assent, see [s. 51\(4\)](#)
- I2** S. 19 in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

## 20 “Specified kinds” of proceedings

- (1) Proceedings are of a “specified kind” for the purposes of section 19 if they are a kind of—
- (a) civil proceedings in England and Wales,
  - (b) family proceedings in England and Wales,
  - (c) proceedings in the First-tier Tribunal,
  - (d) proceedings in the Upper Tribunal,
  - (e) proceedings in employment tribunals, or
  - (f) proceedings in the Employment Appeal Tribunal,
- specified in regulations made by the Lord Chancellor.
- (2) The matters by reference to which a kind of proceedings may be specified in regulations under subsection (1) include—
- (a) the legal basis of the proceedings;
  - (b) the factual basis of the proceedings;
  - (c) the value of the matter in issue in the proceedings;
  - (d) the court or tribunal in which the proceedings are to be brought or continued.
- (3) Regulations under this section are subject to the concurrence requirement (see [section 32\(1\)](#)).
- (4) Regulations under this section are subject to affirmative resolution procedure (see [section 49\(3\)](#)).

#### Commencement Information

- I3** S. 20 not in force at Royal Assent, see [s. 51\(4\)](#)
- I4** S. 20 in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

## 21 Provision supplementing section 19

- (1) The Lord Chancellor may, by regulations, provide for circumstances in which—
- (a) a person initiating proceedings of a specified kind may choose whether the proceedings are to be governed by Online Procedure Rules or the applicable standard rules;

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- (b) the person initiating any aspect of proceedings that are governed by Online Procedure Rules may choose for that aspect to be initiated, conducted, progressed or disposed of in accordance with the applicable standard rules instead of Online Procedure Rules.
- (2) Directions under [Schedule 3](#) do not apply to proceedings to the extent that the applicable standard rules apply to those proceedings by virtue of regulations under subsection (1)(b).
  - (3) The Lord Chancellor may, by regulations, provide—
    - (a) for circumstances in which proceedings of a specified kind—
      - (i) are not to be governed by Online Procedure Rules, or
      - (ii) are to cease to be governed by Online Procedure Rules, and
    - (b) for the proceedings to be governed by the applicable standard rules instead.
  - (4) The Lord Chancellor may, by regulations, provide—
    - (a) for circumstances in which excluded proceedings—
      - (i) are to be governed by Online Procedure Rules, or
      - (ii) are to be governed again by Online Procedure Rules, and
    - (b) for the proceedings to cease to be governed by the applicable standard rules.
  - (5) For the purposes of subsection (4)(a), proceedings are “excluded” if the proceedings are not governed, or cease to be governed, by Online Procedure Rules because of—
    - (a) Online Procedure Rules of the kind referred to in section 19(9)(a), or
    - (b) regulations under subsection (1)(a) or (3)(a).
  - (6) Regulations under this section are subject to the concurrence requirement (see section 32(1)).
  - (7) Regulations under this section are subject to affirmative resolution procedure (see section 49(3)).

#### Commencement Information

- I5** S. 21 not in force at Royal Assent, see [s. 51\(4\)](#)
- I6** S. 21 in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

## 22 The Online Procedure Rule Committee

- (1) Online Procedure Rules are to be made by a committee known as the Online Procedure Rule Committee.
- (2) The Committee is to consist of the persons appointed under subsections (3) and (4).
- (3) The Lord Chief Justice is to appoint—
  - (a) one person who is a judge of the Senior Courts of England and Wales, and
  - (b) two persons each of whom is either—
    - (i) a judge of the Senior Courts of England and Wales, a Circuit Judge or a district judge, or
    - (ii) a judge of the First-tier Tribunal, a judge of the Upper Tribunal, an Employment Judge, or a judge of the Employment Appeal Tribunal nominated as such by the Lord Chief Justice.

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- (4) The Lord Chancellor is to appoint—
  - (a) one person who is a barrister in England and Wales, a solicitor of the Senior Courts of England and Wales, or a legal executive,
  - (b) one person who has experience in, and knowledge of, the lay advice sector, and
  - (c) one person who has experience in, and knowledge of, information technology relating to end-users’ experience of internet portals.
- (5) Before appointing a person under subsection (3)(a) the Lord Chief Justice must consult—
  - (a) the Lord Chancellor, and
  - (b) the Senior President of Tribunals.
- (6) Before appointing a person under subsection (3)(b) the Lord Chief Justice must—
  - (a) consult the Lord Chancellor and the Secretary of State, and
  - (b) obtain the agreement of the Senior President of Tribunals.
- (7) Before appointing a person under subsection (4)(a) the Lord Chancellor must consult—
  - (a) the Lord Chief Justice,
  - (b) the Senior President of Tribunals, and
  - (c) the relevant authorised body.
- (8) Before appointing a person under subsection (4)(b) or (c) the Lord Chancellor must consult—
  - (a) the Lord Chief Justice, and
  - (b) the Senior President of Tribunals.
- (9) The Lord Chief Justice may appoint one of the persons appointed under subsection (3)(a) or (b) to be the chair of the Online Procedure Rule Committee.
- (10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise any function of the Lord Chief Justice under this section.
- (11) The Lord Chancellor may reimburse the members of the Online Procedure Rule Committee their travelling and out-of-pocket expenses.
- (12) In this section—

“legal executive” means a person authorised by the Chartered Institute of Legal Executives to practise as a member of the profession of legal executives;

“relevant authorised body”, in relation to an appointment under subsection (4)(a), means—

  - (a) the General Council of the Bar of England and Wales, if the appointment is of a barrister;
  - (b) the Law Society of England and Wales, if the appointment is of a solicitor;
  - (c) the Chartered Institute of Legal Executives, if the appointment is of a legal executive.

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#### Commencement Information

- I7** S. 22 not in force at Royal Assent, see [s. 51\(4\)](#)  
**I8** S. 22 in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

### 23 General powers of the Online Procedure Rule Committee

- (1) For making Online Procedure Rules for proceedings of a kind set out in an entry in the first column of the following table, the Online Procedure Rule Committee has the powers set out in the corresponding entry in the second column.

<i>Kind of proceedings</i>	<i>Powers of the Online Procedure Rule Committee</i>
Civil proceedings in England and Wales	The same powers that the Civil Procedure Rule Committee has under the Civil Procedure Act 1997 or otherwise for making Civil Procedure Rules, except the powers under paragraphs 5 and 6 of Schedule 1 to that Act (powers to apply other rules and refer to practice directions).
Family proceedings in England and Wales	The same powers that the Family Procedure Rule Committee has under Part 7 of the Courts Act 2003 or otherwise for making Family Procedure Rules, except the powers under section 76(4) to (8) of that Act (powers to apply other rules and refer to practice directions).
Proceedings in the First-tier Tribunal	The same powers that the Tribunal Procedure Committee has under Part 1 of the Tribunals, Courts and Enforcement Act 2007 or otherwise for making Tribunal Procedure Rules for proceedings in the First-tier Tribunal, except the power under paragraph 17 of Schedule 5 to that Act (power to refer to practice directions).
Proceedings in the Upper Tribunal	The same powers that the Tribunal Procedure Committee has under Part 1 of the Tribunals, Courts and Enforcement Act 2007 or otherwise for making Tribunal Procedure Rules for proceedings in the Upper Tribunal, except the power under paragraph 17 of Schedule 5 to that Act (power to refer to practice directions).
Proceedings in employment tribunals	The same powers that the Tribunal Procedure Committee has under Parts

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<i>Kind of proceedings</i>	<i>Powers of the Online Procedure Rule Committee</i>
Proceedings in the Employment Appeal Tribunal	1 and 3 of the Employment Tribunals Act 1996 or otherwise for making Employment Tribunal Procedure Rules for proceedings before employment tribunals, except the power under paragraph 18 of Schedule A1 to that Act (power to refer to practice directions). The same powers that the Tribunal Procedure Committee has under Parts 2 and 3 of the Employment Tribunals Act 1996 or otherwise for making Employment Tribunal Procedure Rules for proceedings before the Employment Appeal Tribunal, except the power under paragraph 18 of Schedule A1 to that Act (power to refer to practice directions).

- (2) Online Procedure Rules may apply other procedural provision.
- (3) The other procedural provision may be applied to proceedings of a particular kind even if the provision would not normally be applicable to that kind of proceedings.
- (4) The other procedural provision may be applied—
- to any extent;
  - with or without modifications;
  - as amended from time to time.
- (5) In subsections (2) to (4) “other procedural provision” means—
- Civil Procedure Rules,
  - Family Procedure Rules,
  - Tribunal Procedure Rules,
  - Employment Tribunal Procedure Rules,
  - other rules of court,
  - directions under—
    - section 7A or 29A of the Employment Tribunals Act 1996,
    - section 5 of the Civil Procedure Act 1997,
    - section 81 of the Courts Act 2003, or
    - section 23 of the Tribunals, Courts and Enforcement Act 2007, or
  - any other provision governing the practice or procedure of a court or tribunal which is made by or under an enactment (whenever passed or made).
- (6) Online Procedure Rules may, instead of providing for any matter, refer to provision made or to be made about that matter by directions under [Schedule 3](#).

#### Commencement Information

**I9** S. 23 not in force at Royal Assent, see [s. 51\(4\)](#)

**I10** S. 23 in force at 28.6.2023 by [S.I. 2023/631](#), [reg. 2](#)

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## 24 Power to make certain provision about dispute-resolution services

- (1) This section applies to Online Procedure Rules which provide—
  - (a) for the transfer by electronic means of information held for the purposes of an online dispute-resolution service to a court or tribunal, or
  - (b) for a court or tribunal to take into account, for any purpose, steps that a party to proceedings has or has not taken in relation to an online dispute-resolution service.
- (2) The Rules may be expressed so that their application in relation to a particular service depends on things done by a particular person from time to time.
- (3) The Rules may, for example, refer to such services as—
  - (a) appear from time to time in a list published by a particular person, or
  - (b) are from time to time certified by a particular person as complying with particular standards.
- (4) In this section—
 

“online dispute-resolution service” means a service accessible by electronic means for facilitating the resolution of disputes without legal proceedings;

“particular person” and “particular standards” include, respectively, a person of a particular description and standards of a particular description.

### Commencement Information

**I11** S. 24 not in force at Royal Assent, see [s. 51\(4\)](#)

**I12** S. 24 in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

## 25 Power to change certain requirements relating to the Committee

- (1) The Lord Chancellor may by regulations—
  - (a) amend section 22(2) to (9), and
  - (b) make consequential amendments in any other provision of section 22 or in subsection (2) or (3) of this section.
- (2) The Lord Chancellor may make regulations under this section only with the concurrence of—
  - (a) the Lord Chief Justice, and
  - (b) the Senior President of Tribunals.
- (3) Before making regulations under this section, the Lord Chancellor must consult the following persons—
  - (a) the Head of Civil Justice;
  - (b) the Deputy Head of Civil Justice (if there is one);
  - (c) the President of the Family Division.
- (4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise the function of the Lord Chief Justice under subsection (2).
- (5) Regulations under this section are subject to negative resolution procedure (see section 49(4)).



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#### Commencement Information

- I13** S. 25 not in force at Royal Assent, see [s. 51\(4\)](#)  
**I14** S. 25 in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

## 26 Process for making Online Procedure Rules

- (1) Before making Online Procedure Rules, the Online Procedure Rule Committee must—
  - (a) consult such persons as they consider appropriate, and
  - (b) hold a meeting (unless it is inexpedient to do so).
- (2) Rules made by the Online Procedure Rule Committee must be—
  - (a) signed by—
    - (i) at least half of the members of the Committee, where one of the signatories is the chair, or
    - (ii) a majority of the members of the Committee, in any other case, and
  - (b) submitted to the Lord Chancellor.
- (3) The Lord Chancellor may allow or disallow Online Procedure Rules made by the Committee.
- (4) In deciding whether to allow or disallow rules, the Lord Chancellor must have regard to the needs of persons who require online procedural assistance.
- (5) If the Lord Chancellor disallows rules, the Lord Chancellor must give the Committee written reasons for doing so.
- (6) Rules made by the Committee and allowed by the Lord Chancellor—
  - (a) come into force on such day as the Lord Chancellor directs, and
  - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 applies as if the instrument contained rules made by a Minister of the Crown.
- (7) A statutory instrument containing Online Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

- I15** S. 26 not in force at Royal Assent, see [s. 51\(4\)](#)  
**I16** S. 26 in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

## 27 Power to require Online Procedure Rules to be made

- (1) This section applies if the Lord Chancellor gives the Online Procedure Rule Committee written notice that the Lord Chancellor thinks it is expedient for Online Procedure Rules to include provision that would achieve a purpose specified in the notice.
- (2) The Committee must make such Online Procedure Rules as it considers necessary to achieve the specified purpose.
- (3) Those Rules must be—

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- (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
- (b) made in accordance with section 26.

#### Commencement Information

**I17** S. 27 not in force at Royal Assent, see [s. 51\(4\)](#)

**I18** [S. 27](#) in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

## 28 Power to make amendments in relation to Online Procedure Rules

- (1) The Lord Chancellor may by regulations amend, repeal or revoke any enactment to the extent that the Lord Chancellor considers necessary or desirable in consequence of, or in order to facilitate the making of, Online Procedure Rules.
- (2) In subsection (1), “enactment” means any enactment whenever passed or made, including an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978.
- (3) The Lord Chancellor must consult the Lord Chief Justice and the Senior President of Tribunals before making regulations under this section.
- (4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise the function under subsection (3).
- (5) Regulations under this section that amend or repeal any provision of an Act are subject to affirmative resolution procedure (see section 49(3)).
- (6) Any other regulations under this section are subject to negative resolution procedure (see section 49(4)).

#### Commencement Information

**I19** S. 28 not in force at Royal Assent, see [s. 51\(4\)](#)

**I20** [S. 28](#) in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

## 29 Duty to make support available for those who require it

The Lord Chancellor must arrange for the provision of such support as the Lord Chancellor considers to be appropriate and proportionate for persons who require online procedural assistance.

#### Commencement Information

**I21** S. 29 not in force at Royal Assent, see [s. 51\(4\)](#)

**I22** [S. 29](#) in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

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### 30 Power to make consequential or supplementary provision

- (1) The Lord Chancellor may, by regulations, make consequential or supplementary provision in relation to any provision of this Chapter.
- (2) The regulations may, in particular, amend, repeal or revoke—
  - (a) any provision of an Act passed before this Act or in the same Session, or
  - (b) any provision contained in subordinate legislation within the meaning of the Interpretation Act 1978 (whenever the legislation was made or the Act under which it was made was passed).
- (3) Regulations under this section that amend or repeal any provision of an Act are subject to affirmative resolution procedure (see section 49(3)).
- (4) Any other regulations under this section are subject to negative resolution procedure (see section 49(4)).

#### Commencement Information

- I23** S. 30 not in force at Royal Assent, see [s. 51\(4\)](#)  
**I24** S. 30 in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

PROSPECTIVE

### 31 Amendments of other legislation

[Schedule 4](#) contains amendments in connection with the preceding provisions of this Chapter.

#### Commencement Information

- I25** S. 31 not in force at Royal Assent, see [s. 51\(4\)](#)

### 32 Judicial agreement to certain regulations

- (1) Where regulations under this Chapter are subject to the “concurrency requirement”, the Lord Chancellor—
  - (a) must obtain the concurrence of the Lord Chief Justice before making the regulations if, or to the extent that, the regulations relate to—
    - (i) civil proceedings in England and Wales, or
    - (ii) family proceedings in England and Wales;
  - (b) must obtain the concurrence of the Senior President of Tribunals before making the regulations if, or to the extent that, the regulations relate to proceedings in—
    - (i) the First-tier Tribunal,
    - (ii) the Upper Tribunal,
    - (iii) employment tribunals, or
    - (iv) the Employment Appeal Tribunal.

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- (2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise the function of the Lord Chief Justice under subsection (1)(a).

#### Commencement Information

**I26** S. 32 not in force at Royal Assent, see [s. 51\(4\)](#)

**I27** [S. 32](#) in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

### 33 Interpretation of this Chapter

In this Chapter—

“applicable standard rules” means—

- (a) Civil Procedure Rules, in the case of civil proceedings in England and Wales;
- (b) Family Procedure Rules, in the case of family proceedings in England and Wales;
- (c) Tribunal Procedure Rules, in the case of proceedings in the First-tier Tribunal or the Upper Tribunal;
- (d) Employment Tribunal Procedure Rules, in the case of proceedings in employment tribunals or the Employment Appeal Tribunal;

“civil proceedings in England and Wales” means proceedings in relation to which Civil Procedure Rules may be made under the Civil Procedure Act 1997;

“family proceedings in England and Wales” means family proceedings within the meaning given by section 75 of the Courts Act 2003;

“Lord Chief Justice” means the Lord Chief Justice of England and Wales;

“Online Procedure Rules” has the meaning given by section 19(2);

“persons who require online procedural assistance” means persons who, because of difficulties in accessing or using electronic equipment, require assistance in order to initiate, conduct, progress or participate in proceedings by electronic means in accordance with Online Procedure Rules;

“specified kind” (in relation to proceedings) is to be read in accordance with section 20(1).

#### Commencement Information

**I28** S. 33 not in force at Royal Assent, see [s. 51\(4\)](#)

**I29** [S. 33](#) in force at 28.6.2023 by [S.I. 2023/631, reg. 2](#)

**Status:**

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