



Tribunals, Courts and Enforcement Act 2007

2007 CHAPTER 15

PART 1

TRIBUNALS AND INQUIRIES

CHAPTER 2

FIRST-TIER TRIBUNAL AND UPPER TRIBUNAL

“Judicial review”

18 Limits of jurisdiction under section 15(1)

- (1) This section applies where an application made to the Upper Tribunal seeks (whether or not alone)—
 - (a) relief under section 15(1), or
 - (b) permission (or, in a case arising under the law of Northern Ireland, leave) to apply for relief under section 15(1).
- (2) If Conditions 1 to 4 are met, the tribunal has the function of deciding the application.
- (3) If the tribunal does not have the function of deciding the application, it must by order transfer the application to the High Court.
- (4) Condition 1 is that the application does not seek anything other than—
 - (a) relief under section 15(1);
 - (b) permission (or, in a case arising under the law of Northern Ireland, leave) to apply for relief under section 15(1);
 - (c) an award under section 16(6);
 - (d) interest;

Status: This is the original version (as it was originally enacted).

- (e) costs.
- (5) Condition 2 is that the application does not call into question anything done by the Crown Court.
- (6) Condition 3 is that the application falls within a class specified for the purposes of this subsection in a direction given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 (c. 4).
- (7) The power to give directions under subsection (6) includes—
 - (a) power to vary or revoke directions made in exercise of the power, and
 - (b) power to make different provision for different purposes.
- (8) Condition 4 is that the judge presiding at the hearing of the application is either—
 - (a) a judge of the High Court or the Court of Appeal in England and Wales or Northern Ireland, or a judge of the Court of Session, or
 - (b) such other persons as may be agreed from time to time between the Lord Chief Justice, the Lord President, or the Lord Chief Justice of Northern Ireland, as the case may be, and the Senior President of Tribunals.
- (9) Where the application is transferred to the High Court under subsection (3)—
 - (a) the application is to be treated for all purposes as if it—
 - (i) had been made to the High Court, and
 - (ii) sought things corresponding to those sought from the tribunal, and
 - (b) any steps taken, permission (or leave) given or orders made by the tribunal in relation to the application are to be treated as taken, given or made by the High Court.
- (10) Rules of court may make provision for the purpose of supplementing subsection (9).
- (11) The provision that may be made by Tribunal Procedure Rules about amendment of an application for relief under section 15(1) includes, in particular, provision about amendments that would cause the application to become transferrable under subsection (3).
- (12) For the purposes of subsection (9)(a)(ii), in relation to an application transferred to the High Court in Northern Ireland—
 - (a) an order of mandamus shall be taken to correspond to a mandatory order under section 15(1)(a),
 - (b) an order of prohibition shall be taken to correspond to a prohibiting order under section 15(1)(b), and
 - (c) an order of certiorari shall be taken to correspond to a quashing order under section 15(1)(c).