

## ADMINISTRATIVE COURTS IN UK – part I

The work of the Administrative Court is varied, consisting of the administrative law jurisdiction of England and Wales as well as a supervisory jurisdiction over inferior courts and tribunals.

The supervisory jurisdiction, exercised in the main through the procedure of Judicial Review, covers persons or bodies exercising a public law function - a wide and still growing field. Examples of the types of decision which may fall within the range of Judicial Review include:

- Decisions of local authorities in the exercise of their duties to provide various welfare benefits and special education for children in need of such education;
- Certain decisions of the immigration authorities and Immigration Appellate Authority;
- Decisions of regulatory bodies;
- Decisions relating to prisoner's rights.

The '[Types of cases](#)' page sets out a brief description of the work dealt with and how the work is divided between single judge courts and Divisional Courts (which consist of at least two judges and normally consist of a Lord Justice of Appeal sitting with a judge of the High Court).

### The Administrative Court deals with:

- Judicial review - of decisions of inferior courts and tribunals, public bodies and persons exercising a public function. Criminal cases may arise from decisions of magistrates' courts or the Crown Court when it is acting in its appellate capacity.
- Statutory appeals and applications - the right given by certain statutes to challenge decisions of e.g. Ministers, Local Government, Tribunals.
- Appeals by way of case stated - appeals against decisions of magistrates' courts and the Crown Court (predominantly criminal cases)
- Applications for *habeas corpus*
- Applications for committal for contempt
- Applications for an order preventing a vexatious litigant from instituting or continuing proceedings without the leave of a judge
- Applications under the Coroners Act 1988
  - Some matters are required by statute or rules of Court to be heard by a Divisional Court (i.e. a court of two or more judges):
- Applications for committal for contempt where the contempt (a) is committed in connection with (i) proceedings before a Q.B. Divisional Court, (ii) criminal proceedings (except where it is in the face of the court or disobedience to an order), (iii) proceedings in an inferior court or (b) is committed otherwise than in any proceedings
- Appeals from the Law Society Disciplinary Tribunal. Such appeals are heard by a three judge court unless the Lord Chief Justice otherwise directs. By convention these appeals are heard by a Court presided over by the Lord Chief Justice
- Applications under s.13 of the Coroners Act 1988 (with fiat of the Attorney General)
- Applications for vexatious litigant orders under s.42 of the Senior Courts Act 1981
- Applications relating to parliamentary and local government elections under the Representation of the People Acts (unless exercisable by a single judge by express statutory provision).

Others can be and usually are heard by a Divisional Court:

- Applications for judicial review in a criminal cause or matter;
- Applications for leave to apply for judicial review in a criminal cause or matter, after refusal by a single judge (whether on paper or after oral argument);
- Appeals by way of case stated in a criminal cause or matter, whether from the Crown Court or from a magistrates court;

The remaining matters in the Administrative Court List will generally be heard by a single judge.

*HM Courts & Tribunals Service [online], [dostęp 11.01.2017] dostępne w Internecie: <https://www.justice.gov.uk/courts/rcj-rolls-building/administrative-court>*

### I. Match the given terms with the definitions:

1 work of the Administrative Court	A the right given by statute to challenge decisions of Ministry, local governments, Tribunals
2 Divisional Courts	B a person who institutes civil action maliciously
3 disobedience to an order	C accusation of contempt
4 CPR	D an act or omission which interfere with orderly administration of justice
5 a vexatious litigant	E the administrative law and supervisory jurisdiction
6 the supervisory function	F a request to a higher court to review and reverse the decision of the lower court
7 appeal	G courts consisting of Lord Justice of Appeal and a High Court justice
8 habeas corpus	H Civil Procedure and Rules
9 contempt of court	I not fulfilling a court order
10 committal for contempt	J a procedure for obtaining a judicial determination of the legality of an individual's custody
11 statutory appeal	K agencies establishing rules and provisions
12 regulatory bodies	L control exercised by Judicial Review

II. Complete the gaps with the terms: *litigant, instituting, Attorney General, exercise, committal, consist of, supervisory, disobedience*

- The Administrative Court has a \_\_\_\_\_ jurisdiction over lower courts.
- Divisional Courts \_\_\_\_\_ at least two judges.
- Local authorities \_\_\_\_\_ their duties providing e.g. special education for children in need.
- Application for \_\_\_\_\_ of contempt are heard by the Administrative Courts.
- Applications under Coroners Act are heard with consent of the ....
- \_\_\_\_\_ To an order constitutes the contempt.
- Vexatious \_\_\_\_\_ orders are issued under the Senior Courts Act.
- A court order prevents \_\_\_\_\_ proceedings without the judge's leave.

III. Mark True/False:

- The Administrative Court supervises senior courts and tribunals.
- The supervisory jurisdiction includes private persons.
- Decisions of regulatory bodies are covered by Judicial Review.
- Local authorities provide welfare benefits.
- The "Type of cases: page describes the work of local authorities.
- Habeas corpus means that we can challenge decisions of Ministers.
- Committal for contempt is when the contempt is committed in Q.B. Divisional Court.
- The Lord Chief Justice hears appeals from the Law Society Disciplinary Tribunal.
- A Crown Court hears applications concerning parliamentary and local government elections

