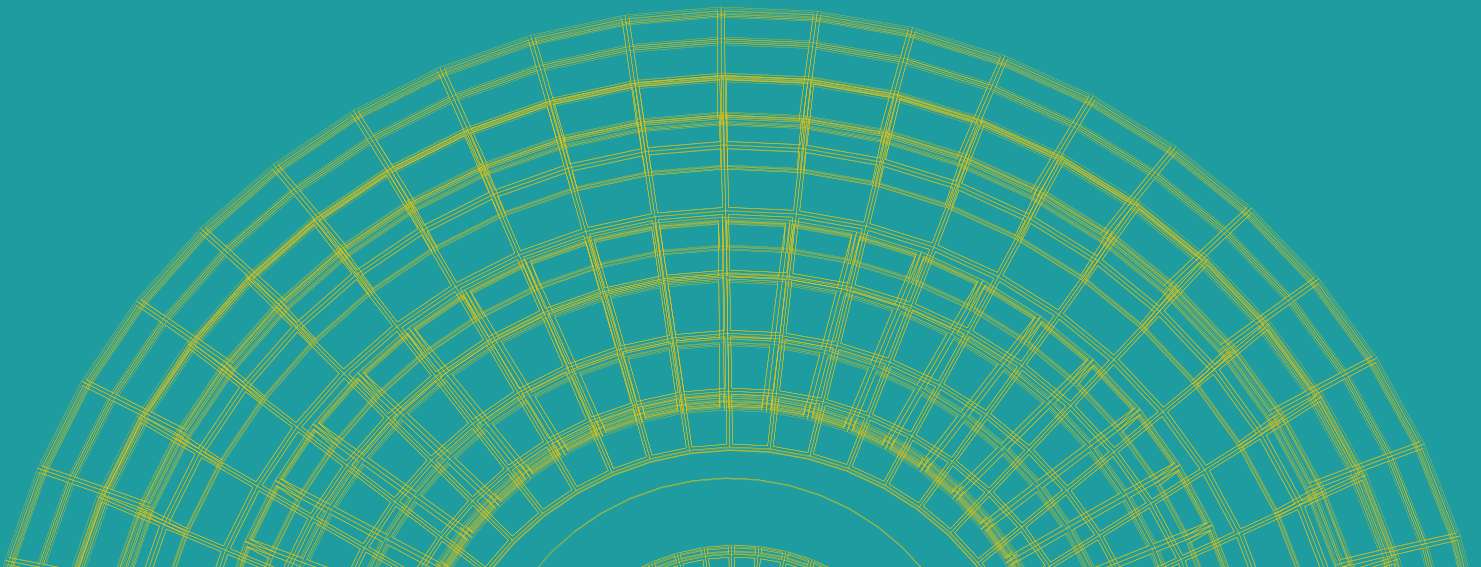


KINGSLEY NAPLEY  
WHEN IT MATTERS MOST

# Judicial Review Solicitors

Specialist judicial review  
solicitors acting for  
individuals, companies and  
public bodies



Whether you are an individual, senior professional, company, business group, charity or pressure group, a judicial review can be a powerful way of insisting that a public body changes its course or, at the very least, reviews and explains its actions.

If you are thinking about bringing a judicial review claim, or are a public body facing the threat of one, getting specialist judicial review solicitors involved at the outset can make all the difference.

Known for our strength in judicial review litigation and our incisive and pragmatic advice, we are regularly instructed to represent claimants and interested parties (individuals and corporate bodies), as well as public body defendants in public law litigation.

We are well known for our insights into the workings of central government and the public sector.

## Making a judicial review claim

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We understand that decisions made by government and public bodies can have far reaching and serious commercial, financial, organisational or personal consequences. It is vital they are correctly made.

When things go wrong, our judicial review solicitors can help you consider a judicial review claim or statutory challenge to ensure that the decisions that matter most to you are fair, lawful and rational, and do not infringe on human rights.

## Defending and mitigating judicial review claims

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If you are a regulator or public body facing the scrutiny of judicial review, we can help.

We understand the wider context in which decisions of central government, statutory regulators and other bodies exercising public functions are made, and the impact a claim can have.

We are ready to work with you throughout the decision-making process to ensure the lawfulness of your actions, and can also be relied upon from the moment a potential dispute arises to mount a principled, measured and robust defence. We know how to navigate the competing interests involved.

# Frequently asked judicial review questions

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## What is judicial review?

Judicial review is a specialised form of civil litigation involving challenging the lawfulness of an enactment, or a decision, action or failure to act of a public body in relation to the exercise of a public function.

2

## Who are the parties to judicial review?

Judicial review will always involve at least one claimant and one defendant public body. It may also involve interested parties. An interested party is any person (including a company or partnership), other than a claimant or defendant, who is directly affected by the claim.

It is also open to any other person to apply to the court for permission to give evidence or make submissions. Those granted permission to do so are known as interveners.

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## What is the basic judicial review procedure?

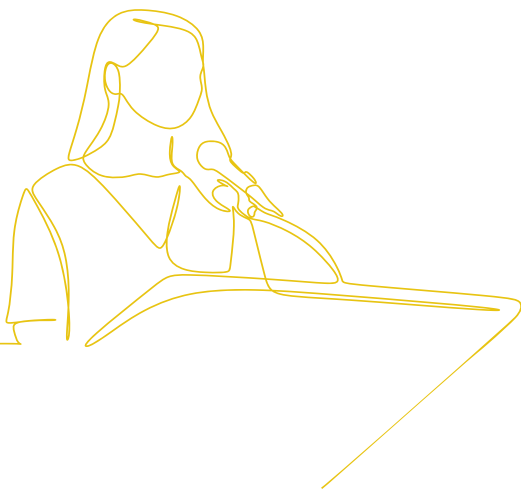
A letter before claim is usually sent by the claimant to the defendant and any interested parties. If no response is received or the parties cannot resolve the dispute, then the claimant may commence litigation.

Judicial review proceedings are divided into two stages (the 'permission stage' and the 'substantive stage').

First the claimant must apply to the court for permission to apply for judicial review. Other parties will usually file papers supporting or opposing the application. The court will then review the papers and grant permission if there is an arguable case that a ground for judicial review exists and merits further investigation.

If permission is refused, there may be scope for reconsideration at an oral hearing. If permission is granted, the substantive claim (or permitted parts of it) will proceed to the second stage of a full public hearing in the High Court.

In rare cases, the two stages may be dealt with together at a full public 'rolled-up' hearing.



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#### **What are the grounds for judicial review?**

There are many possible grounds for judicial review. The main categories are illegality, irrationality and procedural impropriety.

Illegality is essentially where a public authority acts outside the scope of its powers or duties, or fails to comply with them. For example, section 6 of the Human Rights Act 1998 makes it unlawful for a public authority to act incompatibly with rights under the European Convention on Human Rights.

Irrationality takes many forms. It can range from taking account of irrelevant considerations to acting in an outrageous or illogical manner beyond the range of responses open to a reasonable decision-maker.

Procedural impropriety means failing to follow the required process, and can include failures to consult, act within a reasonable time or give reasons – as well as alleging that a decision is tainted by bias.

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#### **What is the time limit for judicial review?**

Judicial review proceedings are intended to quickly resolve challenges that generate uncertainty for public officials and bodies about whether they can safely proceed with administrative action.

Claimants are generally obliged to file claim forms promptly (basically as soon as they can) and, in any event, not later than 3 months after the grounds to make the claim first arose. Failure to act promptly may seriously prejudice or defeat a claim.

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#### **How long does judicial review take?**

It is difficult to predict how long proceedings will take once a claim has been issued. Most judicial reviews are resolved in the High Court within around 9 months but timescales for urgent matters can be much shorter.

The timing is generally dictated by the resources of the High Court, although it is open to either party to seek to have the claim dealt with expeditiously. Depending on the outcome, there may be an appeal.

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### What remedies can judicial review deliver?

Where a claimant shows that a defendant has acted unlawfully the court may decide to grant a 'quashing order', confirming that the challenged decision has no lawful force and no legal effect.

Other potential remedies include the court deciding to compel a public body to act in a particular way or to take no action, or the court declaring what the law is on a particular point. Damages are only occasionally available.

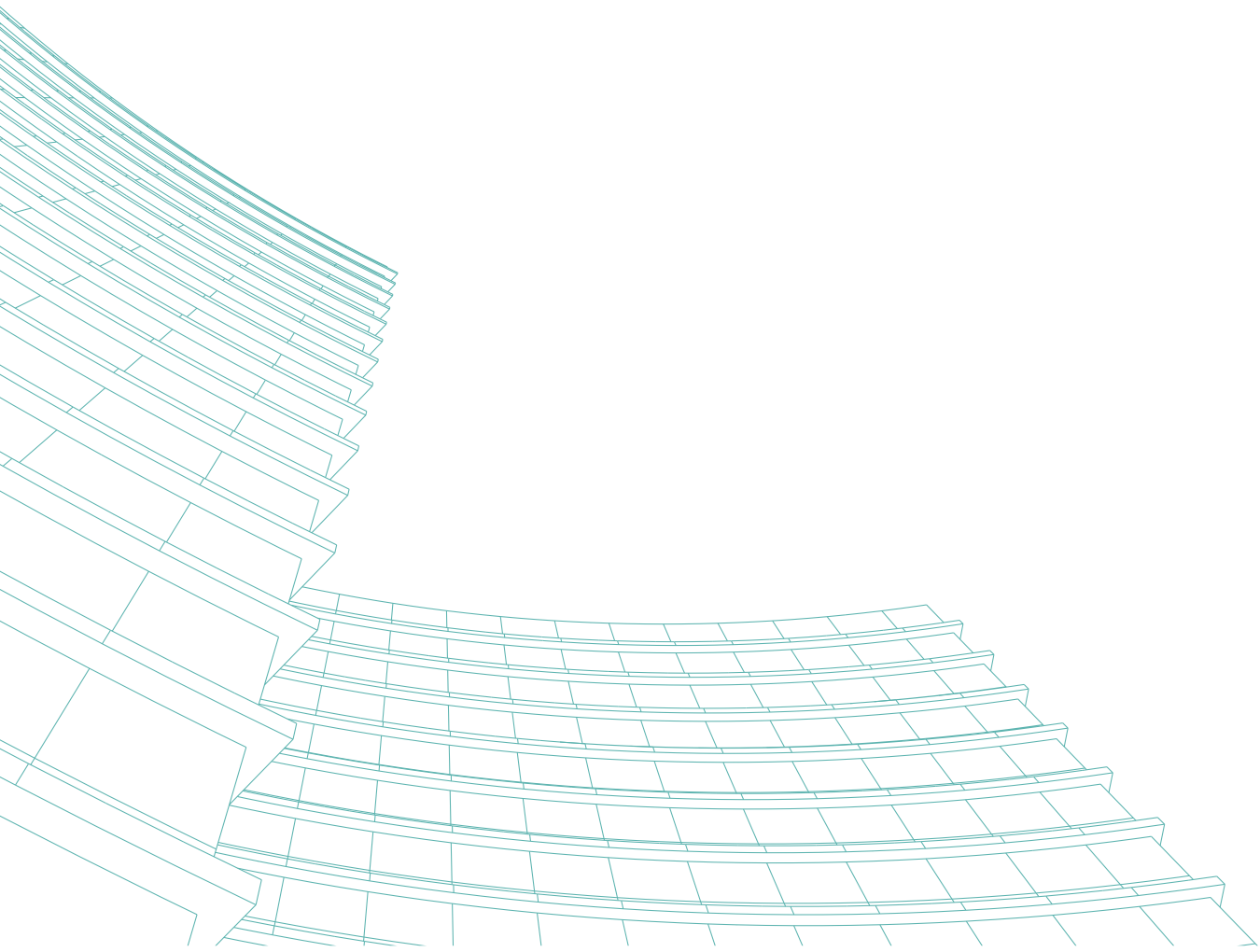
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### How is judicial review funded?

We only take on privately funded judicial review cases and are unable to represent parties funded by legal aid.

The overall cost of judicial review will depend, among other things, on the nature, size and urgency of the case, alongside the strategy adopted and factors beyond a party's control. In general, the unsuccessful party will be ordered to pay most of the costs of the successful party.

In limited circumstances, including environmental cases, the contribution that each unsuccessful party can be ordered to pay towards a successful party's costs may be capped at a relatively low level by the court.



## Testimonials

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*"Nick Wrightson is highly intelligent and pragmatic. He has a wealth of experience and expertise in a range of public law work from complex JRs through to highly involved and difficult public inquiries. He remains a joy to work with at all times. Formidable and highly recommended."*

LEGAL 500 2025

*"Kingsley Napley responds very quickly to queries and always responds with positive, constructive solutions which are practical to implement."*

CHAMBERS 2025

*"The team is very focussed and ensures that the right people are in situ to provide the right advice. I also find them extremely organised in terms of setting out clearly what their terms are, their likely costs and their contractual arrangements. The advice given is very precise and detailed and the quality of their correspondence is exceptional."*

LEGAL 500 2024

## Our Team

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**Sophie Kemp**

PARTNER & HEAD OF DEPARTMENT

+44 (0)20 7814 1215

skemp@kingsleynapley.co.uk



**Lord Carter of  
Haslemere CB**

CONSULTANT

+44 (0)20 7369 3797

hcarter@kingsleynapley.co.uk



**Emily Carter**

PARTNER

+44 (0)20 7814 1255

ecarter@kingsleynapley.co.uk



**Natalie Cohen**

PARTNER

+44 (0)20 7369 3841

ncohen@kingsleynapley.co.uk



**Nick Wrightson**

PARTNER

+44 (0)20 7369 3766

nwrightson@kingsleynapley.co.uk



**Fred Allen**

SENIOR ASSOCIATE

+44 (0)20 7566 5294

fallen@kingsleynapley.co.uk



**Sahil Kher**

SENIOR ASSOCIATE

+44 (0)20 7566 2925

skher@kingsleynapley.co.uk



**Sameera Abdulrehman**

ASSOCIATE

+44 (0)20 3535 1672

sabdulrehman@kingsleynapley.co.uk



**Kirsty Cook**

ASSOCIATE (BARRISTER)

++44 (0)20 3535 1772

kcook@kingsleynapley.co.uk



**Charlie Roe**

ASSOCIATE

+44 (0) 2035351723

croe@kingsleynapley.co.uk



**Andrea Dalling**

PROFESSIONAL SUPPORT LAWYER

+44 (0)20 3535 1510

adalling@kingsleynapley.co.uk



**Manvir Grewal**

TRAINEE SOLICITOR

++44 (0)20 3535 1762

mgrewal@kingsleynapley.co.uk



**Harriet Kirsopp**

PARALEGAL

+44 (0)20 3535 1690

hkirsopp@kingsleynapley.co.uk



**[www.kingsleynapley.co.uk](http://www.kingsleynapley.co.uk)**

**[info@kingsleynapley.co.uk](mailto:info@kingsleynapley.co.uk)**

**+44 (0)20 7814 1200**

**DX22 Chancery Lane**

Kingsley Napley LLP, 20 Bonhill Street, London, EC2A 4DN

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