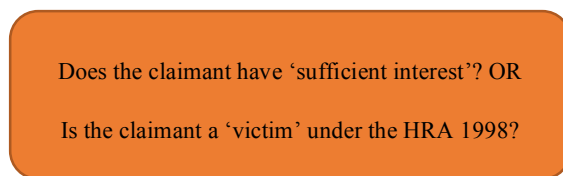
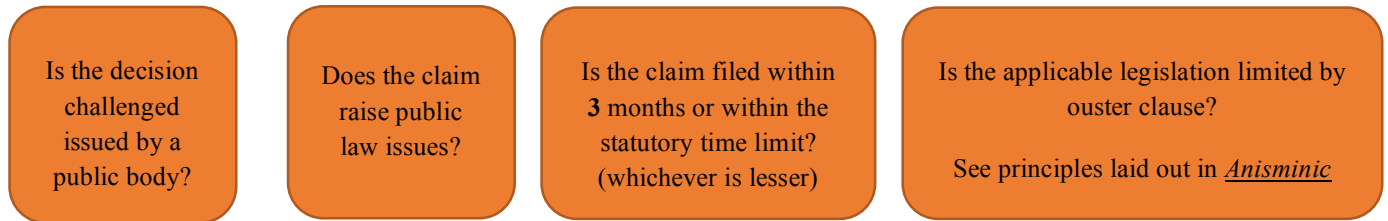
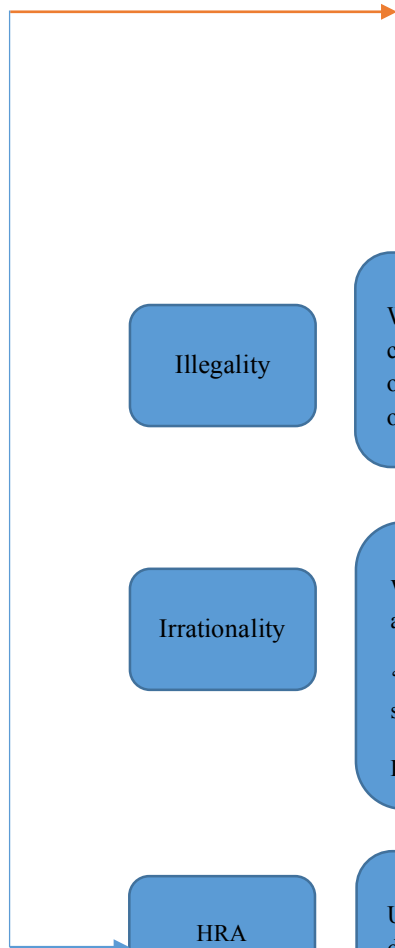


JUDICIAL REVIEW CHART

Does a claimant have a right to make a JR application?



Identify the grounds



Illegality

Where the decision maker has acted outside their power as laid down by Parliament or construed by the Court/s; acts without legal authority; Wrongly delegates to another; Fettering of discretion; Improper/unauthorised purposes; relevant and irrelevant considerations; errors of law and/or fact

Irrationality

Whether an authority has acted or reached a decision in a manner 'so unreasonable that no reasonable authority could ever have come to it' (*Wednesbury test*)

'A decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it' (*CCSU test*)

Decision is arbitrary, capricious, frivolous, vexatious and/or acting perversely.

HRA

Under the HRA, the only test is the 'victim' test that needs to be satisfied. UK Courts use the doctrine of 'proportionality' when Human rights/Convention rights are involved. The concept of 'proportionality' is the means used should not be excessive or disproportionate to the objective to be achieved.

