

**CHAPTER 27  
SECTION 6**

**JUDICIAL REVIEW  
PRE-ACTION PROTOCOL**

**STANDARD PARAGRAPHS**

**1. Where it is not possible to send a letter of response within 14 days of the receipt of a letter before claim.**

You/your client sent to this Directorate on [.....] a letter before claim in accordance with the procedures which are set out in the pre-action protocol for Judicial Review. Full consideration is being given to the points which have been made, but because of [.....] it will not be possible to reply in full within 14 days. However, I anticipate that it will be possible to send a substantive reply by [.....] and it is therefore proposed that the time in which the letter of response should be sent should be extended until that date.

I would like to remind you that an application for Judicial Review should normally be made within three months of the date of the decision against which the claim is to be made. The service of a letter before claim does affect this time limit.

**2. Where a letter which has been received is treated as a letter before claim even although it has not been written in the standard format.**

You/your client wrote to this Directorate on [.....] in connection with the decision which was made on [.....] to [.....]

Although your letter was not in the standard format that is described in the pre-action protocol for Judicial Review, it has been decided to treat it as if it was a letter before claim in accordance with the protocol as it contains the information which is appropriate to a standard letter. This letter is therefore a letter of response in accordance with the provisions of the protocol.

A copy of the pre-action protocol can be obtained from The Court Service, Southside, 105 Victoria Street, London, SW1E 6QT. Telephone 020 7210 2266, email [www.courtservice.gov.uk](http://www.courtservice.gov.uk).

The Secretary of State has considered the details of the matter that is being challenged [details of the matter being challenged and a full explanation of the reasons for the

decision, if appropriate]. It is considered that [set out if the decision is being conceded in full, in part, or whether it will be challenged and the reasons for this action].

Any further correspondence on this matter should be sent to [insert Section or Treasury Solicitor address as appropriate].

**3. Where a letter before claim has been sent in a case where the pre-action protocol is not appropriate because it is seeking to challenge an adjudicator or the Tribunal's determination.**

You/your client sent to this Directorate on [.....] a letter before claim purportedly in accordance with the provisions of the pre-action protocol for Judicial Review in connection with the decision of [.....] [ to[.....].

The pre-action protocol is not appropriate for use in the circumstances of this case, because the Secretary of State does not have the legal power to change the decision that you are seeking to challenge. Your attention is drawn to the note under paragraph 6 of the Introduction to the protocol about this point.

{delete if inappropriate} The Secretary of State has however considered the points made in your letter about [.....] and because of [.....] it has been decided that the decision of [.....] should stand/will be granted [.....]

{delete if inappropriate} Action will now continue to [.....] unless confirmation is received by [.....] that a claim for Judicial Review has been made.

**4. Where a letter before claim has been sent in an urgent case and the pre-action protocol is not appropriate.**

You/your client wrote to this Directorate on [.....] a letter before claim in accordance with the provisions of the pre-action protocol for Judicial Review in connection with the decision of [.....] to [.....].

The pre-action protocol is not appropriate for use in the circumstances of this case, because removal directions have been set/are in force. Your attention is drawn to the note above paragraph 7 of the Introduction to the protocol.

Action will now continue to [.....] unless confirmation is received by [.....] that a claim for Judicial Review has been made.