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From: [REDACTED]
Sent: 22 October 2020 15:16
To: IRAL
Subject: Independent Review of Administrative Law

From Professor A. W. Bradley - Q.C. (Hon.); Emeritus Professor of Constitutional Law, Edinburgh University; Visiting Research Fellow, Institute of European and Comparative Law, Oxford University; formerly adviser to the House of Lords Committee on the Constitution, and a vice-president of the International Association of Constitutional Law.

Dear Secretariat,

I have read and considered the question that heads your Call for Evidence, namely: "Does judicial review strike the right balance between enabling citizens to challenge the lawfulness of government action and allowing the executive and local authorities to carry on the business of government?"

My answer to this question is a strong 'Yes'. Judicial review is a vital process in a constitutional democracy that is committed to maintaining the rule of law. It enables the right balance to be struck between the interests of citizens in being able to challenge the lawfulness of government action and allowing the business of government to be maintained.

As Lord Neuberger, a retired President of the UK Supreme Court, recently said:
"One of the most important aspects of any democratic society is the right of individuals to go to court to challenge the Government when the Government has done something wrong, when the Government has breached the rights of individuals. Once you deprive individuals of the right to go to court to challenge the Government, you are in a dictatorship, you are in a tyranny".

I do not consider that this review is needed, with such wide terms of reference and an absurdly short time scale for the production of a report. My study of judicial review over the last sixty years convinces me that this branch of public law is a constantly developing area of law and government, that must respond to changing administrative, social, technological and political needs. The balance struck at any moment of time is affected by very many historical and contemporary factors and it would be wrong to suppose that a state of finality has been or will ever be reached.

With good wishes,
Anthon Bradley