

Evidence Submission by [REDACTED] to the

## Independent Review of Administrative Law

Full details of this review can be found at [https://www.gov.uk/government/groups/independent-review-of-administrative-law?fbclid=IwAR2iMPbZZi\\_vIUul9emLFIQCEuxL3DQYjWwy\\_XmjEDLCRKEdZV7NwDyiVL8](https://www.gov.uk/government/groups/independent-review-of-administrative-law?fbclid=IwAR2iMPbZZi_vIUul9emLFIQCEuxL3DQYjWwy_XmjEDLCRKEdZV7NwDyiVL8)

This review was foreshadowed in the Conservative Party Manifesto. On 31<sup>st</sup> July the panel was announced, but it was not until 7<sup>th</sup> Sept [1] that further details and the call for evidence was published, 'rather quietly'. Comments and evidence are required by **midday on 19<sup>th</sup> of October 2020**,

I am not a lawyer and so I am unable to address most of the detailed questions posed. However there are a few points of principle that will concern the public.

It seems to me that the manifesto commitment, far from being an honest attempt to rationalise the law on Judicial Review, was a reaction to the decision of the Supreme Court to rule the prorogation of September/October 2019 unlawful.

I note that the secretariat is provided by the Ministry of Justice. Secretariats can influence matters in subtle but important ways and so should be as independent as possible. Civil servants in practice find it very difficult to go against the wishes of the relevant minister. Formal powers of direction are almost never sought, let alone given. A more independent secretariat could and should have been appointed.

Given the extent of the incompetence, corruption and mendacity of the current government, any weakening of the power of the courts to hold government to account would be very dangerous and would represent a significant move towards dictatorship. In fact a sounder basis for such powers is needed given the difficulty the Supreme Court had in finding a legal basis for a decision which all fair minded people would find obvious.

**I therefore believe that as a minimum temporary measure the amenability of public law decisions to judicial review by the courts and the grounds of public law illegality should be codified in statute.**

Such legislation should be started in the Lords, and not subject to the Salisbury Convention.

However a populist government elected on a minority of the popular vote, in an election beset by widespread lying and voter suppression would find it easy to repeal such measures. They need to be coded in an entrenched constitution.

Note 1: <https://simonicity.com/tag/independent-review-of-administrative-law-iral/>

submitted by [REDACTED], 8<sup>th</sup> October 2020