## Introduction

1. This is the response of the Garden Court Chambers Housing Team to the Ministry of Justice consultation paper Judicial Review: proposals for reform[1] (the consultation).

2. The Housing Team at Garden Court Chambers is one of the largest specialist housing law teams in the country (over 20 barristers) and has a reputation for excellence in this area. We cover all aspects of housing law including security of tenure, unlawful eviction, homelessness, allocation of social housing, disrepair and housing benefit. We are particularly committed to representing tenants, other occupiers and homeless people.

3. Our work isn't confined to the courtroom. We also spend time training, advising and writing on housing issues. We were the first chambers to serve as a Legal Services Commission Specialist Support Service provider in housing law, and from 2004-2008 we offered specialist support and training under contract direct from the LSC.

4. More information can be found about Garden Court Chambers and all of our barristers at www.gardencourtchambers.co.uk.

5. The consultation poses a number of questions. We have responded to these below. However at the outset we wish to raise a number of general concerns about the politics behind the consultation.

## The political context of the consultation

6. Judicial review represents a vital – and frequently the only – tool by which the citizen can hold the state to account. It ensures that Government and other public bodies act fairly, lawfully, rationally and in accordance with human rights. Judicial review is fundamental to the proper functioning of our democracy and constitution in that it serves to maintain the rule of law and ensures that public bodies act in accordance with the will of Parliament.

7. The starting point therefore, is that any attempt to restrict access to judicial review should be carefully scrutinized and only such changes as are strictly necessary may be justified.

8. Prime Minister David Cameron and Justice Secretary Chris Grayling have intimated that the purpose of the proposed changes to judicial review is to boost economic growth. David Cameron announced the proposals in a speech to the CBI outlining his

[1] Judicial Review: proposals for reform CP25/2012, Ministry of Justice, December 2012 https://consult.justice.gov.uk/digital-communications/judicial-review-reform/supporting_documents/judicialreviewreform.pdf

"key steps to Britain thriving in this global race"[2]. To similar effect, Chris Grayling, in the foreword to the consultation, states that the proposals aim to "tackle red tape, promote growth and stimulate economic recovery"[3]. This is the first of two themes underpinning the consultation.

9. But it is very unclear how restricting access to judicial review will stimulate the economy. Only a small part of the consultation relates to planning and procurement; areas which might conceivably be linked to economic growth. Further, the growth in judicial review over recent years on which the Government relies[4] has largely related to challenges to immigration decisions. The consultation itself acknowledges this, noting that in 2011 immigration cases represented over three quarters of all applications for permission to apply for judicial review[5]. When immigration cases are discounted, the growth is significantly less marked. Research by Christopher Hood and Ruth Dixon of the Department of Politics and International Relations, University of Oxford (based on Government statistics) indicates that there were 2,551 applications in 2011 for judicial review not relating to immigration compared to 2,384 in 1995[6]; an increase of only 7% in 16 years. Taking a longer view, Hood and Dixon's data indicates that non-immigration judicial review has increased from 160 applications per year in 1974, when the modern procedure for judicial review was in its infancy, to 2,551 in 2011. In our view this increase in the judicial scrutiny of state actions is commensurate to the increased role that the state has taken in public life over the last 40 years. We do not regard either of these trends as a bad thing.

10. The second theme underpinning the consultation is the idea that many judicial review applications are "completely pointless"[7]. With that in mind the consultation evinces an intention to "ensure that weak or frivolous cases which stand little prospect of success are identified and dealt with promptly at an early stage in proceedings"[8]. While we do not object to the idea that frivolous cases should be weeded out, we are unconvinced that the evidence relied on by the Government supports the assertion that there are a large number of frivolous applications. In particular the Government relies on the fact that:

> Of the 7,600 applications for permission considered by the Court in 2011, only around one in six (or 1,200) was granted. Of the applications which were granted permission, 300 were granted following an oral renewal (out of around 2,000 renewed applications that year).[9]

While this statistic may be correct, it does not take into account the instances where

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[2] David Cameron, http://www.number10.gov.uk/news/speech-to-cbi/ speech to the CBI, Monday 19 December 2012

[3] The consultation, p3

[4] Referred to by David Cameron as "a massive growth industry"; speech to the CBI, http://www.number10.gov.uk/news/speech-to-cbi/ Monday 19 December 2012. See also Chris Grayling: **"**the number of applications has rocketed in the past three decades, from 160 in 1975 to 11,200 last year – an increase of almost 7,000%", http://www.justice.gov.uk/news/press-releases/moj/grayling-unclogging-the-courts-to-bring-swifter-justice Ministry of Justice Press Release, Monday 19 November 2012

[5] The consultation, p9 paragraph 29. According to Ministry of Justice Statistics, there were 11,200 permission applications made in 2011 of which 8,649 related to immigration; see table 7.12 Judicial and Court Statistics 2011, Chapter 7: Appellate courts http://www.justice.gov.uk/downloads/statistics/courts-and-sentencing/jcs-2011/appellate-courts-tables-chp7-2011.xls, Ministry of Justice 28 June 2012

[6] http://xgov.politics.ox.ac.uk/index.php/publications-and-datasets.html

[7] "Of course some are well-founded – as we saw with the West Coast mainline decision. But let's face it: so many are completely pointless. Last year, an application was around 5 times more likely to be refused than granted"; David Cameron, http://www.number10.gov.uk/news/speech-to-cbi/ speech to the CBI, Monday 19 December 2012

[8] The consultation, p4 paragraph 6.

[9] The consultation, p10 paragraph 31.

the application for judicial review is withdrawn, either before or after the permission stage. For example, relying on the fact that there were 11,200 permission applications received in 2011, it can be inferred that a total of 3,600 applications were withdrawn and not considered. Applications may be withdrawn for a number of reasons. However, in our experience, it is frequently because the Defendant public body recognizes the strength of the Claimant's case and agrees to settle, thereby securing a favourable outcome for the Claimant. This is particularly so in housing cases or cases concerning refusal to accommodate. Worryingly, the consultation takes no account of these cases; within the document, no attempt is made to analyse the number of cases which settle out of court, at a reduced cost to the public purse, or to consider why they have settled. This missing data is vital context to the debate. The impression given is that the overwhelming majority of judicial review applications fail. Our experience is to the contrary. Applications succeed in obtaining benefit for the claimant. Faulty decision-making is corrected. Judicial review performs its proper function

11. Instead the consultation opts, in a number of places, to rely on non-specific "anecdotal evidence"[10]. In our view this is wholly insufficient. Any attempt to curb citizens' access to judicial review can only be based on a sound body of evidence. Such evidence is distinctly lacking from the consultation.

12. For example, at paragraph 35 of the consultation concern is expressed that "fear of Judicial Review is leading public authorities to be overly cautions in the way they make decisions, making them too concerned about minimising, or eliminating, the risk of legal challenge". There would certainly be a concern if there was any significant evidence that public authorities were being inhibited from making lawful decisions. However, there is none. If Judicial Review is inhibiting the making of unlawful decisions then it is fulfilling its function.

13. In light of the above, we find the political motivation behind this consultation deeply concerning. We ask the Ministry of Justice to consider these concerns very carefully before implementing any of the proposals.

14. Our responses to the specific questions raised by the consultation are now set out below.

## The time limits within which judicial review proceedings must be brought

### Planning and procurement:

15. The consultation proposes that the time limit for issuing judicial review proceedings in procurement and planning cases should be reduced to 30 days and six weeks respectively. The proposal is based on the analogous timescales within which appellants may lodge statutory appeals in these areas.

16. We are unconvinced that this change is necessary. The time limit for bringing judicial review proceedings is set out in rule 54.5(1) of the Civil Procedure Rules:

> CPR 54.5(1)
> (1) The claim form must be filed-
> (a) promptly; and
> (b) in any event not later than 3 months after the grounds to make the claim first arose.

[10] For example, paragraphs 64 and 79.

This needs to be read in the context of s31(6) Senior Courts Act 1981 which provides:

> (6)Where the High Court considers that there has been undue delay in making an application for judicial review, the court may refuse to grant—
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> (a) leave for the making of the application; or
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> (b) any relief sought on the application,
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> if it considers that the granting of the relief sought would be likely to cause substantial hardship to, or substantially prejudice the rights of, any person or would be detrimental to good administration.

The time limit contained in CPR 54.5(1) has been carefully calculated to strike a balance between the need for certainty in public affairs and allowing Claimants sufficient time to prepare their case and seek to settle matters without the need for litigation. In the context of the usual time limits imposed by the Limitation Act 1980 for bringing civil proceedings (between three and six years) it is extremely short. It also needs to be remembered that the three-month limit is a maximum; a Claimant must still act *promptly* within this time. If the Defendant can show that the Claimant has failed to act promptly or has delayed unduly then the claim will be out of time. The existence of a 30 day or six week time limit in respect of the analogous statutory appeal procedures in a procurement or planning case may be a relevant factor for the court to consider in assessing whether the Claimant has acted promptly. Our view is that there is sufficient in-built flexibility within the rules to meet the justice of any individual case without reducing the time limits.

17. If the time limit is reduced we would be concerned that Claimants may feel obliged to issue judicial review proceedings protectively at an early stage, without having explored all opportunities to settle the case out of court. This would not be in the public interest.

18. Based on our fields of work, we would also be concerned that reducing the time limit in planning cases would impact adversely on Gypsies and Travellers. This group in our experience, often finds obtaining legal advice problematic. Within the current three month limit, the Gypsy/Traveller has to locate a solicitor with the capacity and the expertise to take the case (no easy task in itself), give instructions, pre- action protocol correspondence has to take place, public funding (frequently) has to be applied for, considered and granted, Counsel instructed and proceedings drafted and filed with the supporting documents. Accordingly reducing the time limit may restrict their ability to find legal advice, in turn restricting their ability to challenge planning decisions affecting their homes and way of life.

**Question 1: Do you agree that it is appropriate to shorten the time limit for procurement and planning cases to bring them into line with the time limits for an appeal against the same decision?**

No. For the reasons given above.

**Question 2: Does this provide sufficient time for the parties to fulfil the requirements of the Pre-Action Protocol? If not, how should these arrangements be adapted to cater for these types of case?**

Not applicable - in light of our answer to question one.

**Question 3: Do you agree that the Courts' powers to allow an extension of time to bring a claim would be sufficient to ensure that access to justice was protected?**

Not applicable - in light of our answer to question one.

**Question 4: Are there any other types of case in which a shorter time limit might be appropriate? If so, please give details.**

Not applicable - in light of our answer to question one.

**Continuing breach cases:**

19. The second proposal relating to time limits is that the current wording of the Civil Procedures Rules, and in particular CPR 54.5, should be amended to make clear that any challenge to a continuing breach, or cases involving multiple decisions, should be brought within three months of the first instance of the grounds and not from the end or latest incidence of the grounds. The Government's view expressed in the consultation is that allowing a Claimant to challenge a decision from the latest point of a continuing breach is "frustrating the application of the three month time limit"[11] and runs counter to the "current legal position"[12].

20. We strongly oppose this change. In our experience, a recurrent example of a continuing breach is where a Local Authority is refusing to carry out an assessment. For example, the Local Authority is refusing to assess a vulnerable child under s17 Children Act 1989 with a view to providing him or her with support or accommodation under that Act. Or, similarly, where a Local Authority is refusing to assess a disabled adult under s47 National Health Service and Community Care Act 1990 with a view to providing him or her with support to enable him or her to live safely in the community. These are scenarios which we come across on a daily basis. Typically in these cases a challenge may be brought at any point while the Local Authority continues to refuse to carry out its legal obligation to undertake an assessment.

21. The first objection to this change is that the proposal fails to take into account that while the result of the Local Authority's successive decisions may be the same, the reasons for those decisions can alter each time, and the grounds of challenge must, therefore, also alter.

22. The second objection is that to amend the rules so that the time limit for issuing judicial review proceedings runs from the first instance that the grounds arise would stultify the effect of the legislation in question, defeating the will of Parliament and resulting in very vulnerable sectors of the population going without the support to which they are entitled. Effectively, this change would mean that if a challenge was not brought within the initial three-month period then the Defendant would be relieved of its legal obligations. An apposite example, would be a case where a British Citizen was being tortured abroad with the complicity of the British Government. Under the proposal, were that individual to fail to bring judicial review proceedings within the initial three-month period then his claim would be out of time, he would be barred from seeking an injunction in public law proceedings and his torture could continue. This would be utterly absurd. Allowing a Claimant to challenge a continuing breach simply reflects the fact that public bodies should not be allowed to shirk their legal obligations on a continuing basis. There is no principled reason for allowing them to do so.

[11] The consultation, p17 paragraph 64
[12] The consultation, p17 paragraph 65

23. Allowing public bodies to act unlawfully on a continuing basis is antithetical to the rule of law and to the idea of fair and efficient public administration. In the examples we have given above involving vulnerable children and disabled adults, failing to assess and intervene at an early stage is likely to lead to knock-on costs to the public purse, as without intervention the care needs of the individual will become more acute. This cannot be in the public interest.

24. In our view the current legal position is mirrored in the permission decision of Burton J. in *R (G) v Secretary of State for Justice* [2010] EWHC 3407 (Admin) at paragraph 11:

> "I deal first with the question of a continuing breach. There is no doubt about the principle, particularly in European law but obviously extendable to Human Rights legislation, in many authorities that where there is a continuing obligation, a continuing state of affairs, which continue not to be put right by the Defendant, time does not run against a claimant at least until that state of affairs has come to an end."

25. Our view is that the law as it currently stands properly balances the competing interests at play in judicial review proceedings and should not be changed.

**Question 5: We would welcome views on the current wording of Part 54.5 of the Civil Procedure Rules and suggestions to make clear that any challenge to a continuing breach of multiple decisions should be brought within three months of the first instance of the grounds and not from the end or latest incidence of the grounds.**

**Question 6: Are there any risks in taking forward the proposal? For example, might it encourage claims to be brought earlier where they might otherwise be resolved without reference to the court?**

We oppose any amendment to the CPR.

## The procedure for applying for permission to bring judicial review proceedings

26. Under this heading there are two proposals. The first would remove the right to an oral renewal in cases where there has already been a prior judicial process (involving a hearing) considering substantially the same issue as raised in the judicial review claim. The second would remove the right to an oral renewal in cases which the judge, on written submissions, has determined to be "totally without merit".

27. The concerns which are said to underpin these proposals are (i) that there are too many frivolous claims being brought[13] and (ii) that there is undue delay in the system[14].

**Frivolous cases:**

28. In relation to the assertion that there are too many frivolous claims, we have already

[13] "The Government is concerned that the procedures for considering whether permission should be granted allow claimants too many opportunities to argue their case, particularly where their case is weak." The consultation, p19 paragraph 72.

[14] "…the numerous opportunities to renew applications can lead to substantial delays, and incur significant costs to public authorities which they may have little prospect of recovering from the claimant. For example, in 2011, it took on average 11 weeks for a decision on whether to grant or refuse permission on the papers, and a further 21 weeks on average if the matter went to an oral reconsideration hearing." The consultation, p19 paragraph 74.

expressed our concern at paragraphs 10 and 11 above that there is an insufficient evidence base to justify this assertion.

29. In addition we would ask the Government to take into account the very effective role which is played by legal aid in filtering out weak cases. At present, by virtue of paragraph 7.3.5 of the Legal Services Commission Funding Code[15], public funding for full representation in judicial review cases will always be refused where the prospects of the claim proceeding are poor (less than 50%) or unclear and will be refused in borderline cases (where it is not possible to say that prospects of success are definitely better than 50%) unless it can be established that the case has a wider public interest, is of overwhelming importance to the client or raises significant human rights issues. The application of this test in judicial review proceeding is supplemented by chapter 16 of the LSC Funding Code. In particular:

> §3C-141 …Prior to 1 April 2010 the Funding Code Criteria for Full Representation in Judicial Review included a "Presumption of Funding" in cases where the court had granted permission for the review to proceed. The presumption applied only in cases which had significant wider public interest, overwhelming importance to the client or raised significant human rights issues. In such cases legal aid would be guaranteed unless, in light of information which was not before the court at the time permission was granted, it appeared unreasonable to fund the case. The Presumption of Funding has now been abolished which means that in all cases the Commission must independently be satisfied that the case meets all relevant criteria.
> …
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> §3C-143 …If permission is refused on the papers the court will serve reasons for making its decision. If the client wishes to request that the decision be reconsidered at a hearing an amendment to the certificate must be sought. The application must clearly set out in the form of a counsel's opinion or solicitor's report that specifically address the judge's reasons, why the decision should be reconsidered orally.

The effect of these provisions is that legal aid is not available for weak cases; even where permission has been granted by the High Court it is still necessary to convince the LSC that the case is meritorious, and in instances where permission is refused a specific application will need to be made to the LSC confronting the judge's reasons in order to persuade the Commission that the case is sufficiently meritworthy to warrant oral reconsideration. This provides an important filter reducing the number of weak cases in the system. This should be taken into account in considering whether to implement these proposals.

30. In this context the Government also expresses concern within the consultation that a number of claims are unimportant as "even where the Claimant is successful, it may only result in a Pyrrhic victory with the matter referred back to the decision-making body for further consideration in light of the court's judgment"[16]. We do not accept that such cases should be regarded as "Pyrrhic" victories. Having a decision-maker remake a bad decision fairly, lawfully and rationally is frequently the very outcome which the Claimant is seeking. Moreover there should be no reason to presuppose, as the consultation appears to, that the new decision will result in an unfavourable outcome for the Claimant.

**Delay:**

31. In making proposals to amend the procedure for permission applications the Government has also expressed concern about the level of delay in the system.

[15] http://www.justice.gov.uk/legal-aid/funding/funding-code
[16] The consultation p11 paragraph 32

However, the cause of the delay is not clear to us. Before seeking to change the procedure to make it more difficult for Claimants to apply for judicial review, we would urge the Government to analyse the cause of this delay. For example, if the root cause of the delay is a lack of resources within Her Majesty's Court and Tribunal Service, or is exacerbated by the Treasury Solicitor seeking to extend time limits to file an acknowledgment of service, then it would not be appropriate to change the rules at the expense of Claimants.

32. Turning now to the specific proposals.

**Removing the right to an oral renewal where there has been a prior judicial process:**

33. This proposal is that in cases where the Claimant has been refused permission on the papers, and the matter is one which has been the subject of a prior judicial hearing, the Claimant's right to ask for an oral renewal of the application for permission should be removed. A "judicial hearing" is defined as:

> "…a hearing before the civil and criminal courts (the magistrates' courts, county courts, the Crown Court, the High Court and the Court of Appeal) the tribunal system (including the First-tier Tribunal) and the judicial functions of coroners and inquiries which are set up by statute."[17]

34. We agree with the general principle that litigants should not be allowed multiple opportunities to argue bad points. However, with regard to this proposal the devil is in the detail and we are very concerned about the wide definition of a judicial hearing. Our reading of the proposal is that in any case where judicial review is sought of a decision of a lower court or tribunal made at a hearing and permission is refused on the papers, the Claimant would not be entitled to an oral renewal hearing. We find this proposal particularly concerning.

35. If the intention is to bring the procedure for judicial review of court decisions generally in line with the procedure used where the Claimant seeks judicial review of a decision of the Upper Tribunal[18], then this intention is misguided. The *Cart* case dealt with the situation where a Claimant had received an adverse decision from a public body (the respective appeals in that case concerned a decision of the Child Support Agency, the UKBA and the DWP), had lost their appeal to the First-Tier Tribunal and then had been refused permission to appeal by the Upper Tribunal. In these cases, in applying for judicial review, the Claimant is seeking a third judicial consideration of the same issue. It is understandable why public policy might militate against allowing judicial review too readily. The same rationale however would not apply to a decision, for example, of a Magistrate or a Coroner. In those cases the court under review is the first instance-decision maker and not an appellate court.

36. It needs to be remembered that the jurisdiction of the Court of the Queen's (or King's) Bench to review the decisions of inferior courts and tribunals has existed since at least the 1600's[19]. This jurisdiction is fundamental to the purpose of judicial review itself and to the rule of law. We would oppose any attempt to diminish this jurisdiction. We can see no justification for a decision made by a bench of lay Magistrates – for example – being subject to a lesser degree of judicial scrutiny than a decision made by social worker. Yet this would be the effect of the proposal.

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[17] The consultation, p21 paragraph 83.
[18] See the Supreme Court decision in *R (Cart) v the Upper Tribunal* [2011] UKSC 28
[19] See *Coke's Institutes* volume IV p71 cited in "An Introduction to English Legal History" J H Baker (Butterworths, 2nd Edition 1979)

37. If such a procedure were to be adopted – and we do not believe that it should be – it would need to take into account any change in the factual circumstances or the law following the initial judicial hearing. In such a case, adopting the language of the consultation, we would not regard the subject matter of the claim as being "substantially the same matter" which had already been determined.

**Removing the right to an oral renewal in cases which the Judge, on written submissions, has determined to be "totally without merit":**

38. The second proposal is that the right to an oral renewal hearing should be removed in cases there the judge, on considering the papers has deemed the case to be totally without merit. While we agree with the principle that cases which are totally without merit should be filtered out at the earliest opportunity, we have the number of concerns about this proposal.

39. Our principal concern is that in 2011, 300 of the 1,200 cases which were granted permission were granted following an oral hearing, having been refused permission on the papers. In these cases the court considering the renewed oral application for permission clearly disagreed with the view that the single judge had taken of the application on the papers, and deemed the case to be arguable. The point emerges that arguable cases are frequently refused permission on the papers. The fact that these cases are granted permission at an oral hearing may be taken to reflect the importance of oral advocacy in our judicial system. With this in mind, we would be concerned that the Government's proposal may mean that meritorious cases are wrongly filtered out at the paper permission stage and then denied the opportunity to an oral renewal hearing. Oral advocacy can make a difference.

40. Before endorsing any such proposal we would want to see empirical evidence that "totally without merit" cases are frustrating the system, as is suggested. Without this information it is very unclear whether this proposal would actually reduce the burden on the court system or whether it would simply cause injustice. We would emphasise that in our experience the legal aid merits test (see paragraph 29 above) ensures that public funding is not available in such cases.

41. If such a proposal were to be implemented our view is that it should be restricted to unambiguous cases such as those where the Claimant is plainly not a public body or where there is a statutory appeals process which has not been used. In other words, where judicial review is not the correct jurisdiction for the claim. Any "totally without merit" certificate should contain the judge's reasons for so certifying.

42. Safeguards would also need to be built-in to ensure that where the factual circumstances or the law changes following the refusal of permission, the Claimant is not precluded from pursuing his or her application.

**Question 7: Do you agree with the proposal to use the existing definition of a court as the basis for determining whether there has been a "prior judicial hearing"? Are there any other factors that the definition of "prior judicial hearing" should take into account?**

No. See above.

**Question 8: Do you agree that the question of whether the issue raised in the Judicial Review is substantially the same matter as in a prior judicial hearing should be determined by the Judge considering the application for permission, taking into account all the circumstances of the case?**

No. See above.

**Question 9: Do you agree it should be for the defendant to make the case that there is no right to an oral renewal in the Acknowledgement of Service? Can you see any difficulties with this approach?**

No. See above. In any event this will generate pointless expense. The respondent will already address the merits of the case within their A-o-S.

**Question 10: Do you agree that where an application for permission to bring Judicial Review has been assessed as totally without merit, there should be no right to ask for an oral renewal?**

See above.

**Question 11: It is proposed that in principle this reform could be applied to all Judicial Review proceedings. Are there specific types of Judicial Review case for which this approach would not be appropriate?**

We do not have a view on this.

**Question 12: Are there any circumstances in which it might be appropriate to allow the claimant an oral renewal hearing, even though the case has been assessed as totally without merit?**

See above. Change of circumstances

**Question 13: Do you agree that the two proposals could be implemented together? If not, which option do you believe would be more effective in filtering out weak or frivolous cases early?**

The latter, if implemented, would obviate the need for the former.

**The fees charged in Judicial Review proceedings**

**Question 14: Do you agree with the proposal to introduce a fee for an oral renewal hearing?**

We sympathise with the rationale but are concerned that any increase in fees may inhibit access to justice, by preventing middle-income individuals (those not on benefits or who are not eligible for legal aid) from pursuing meritorious claims. It needs to remembered that judicial review performs a wider function in ensuring good governance and so it is appropriate that fees are subsidised, to an extent, by the tax payer.

In any event no decision should be made until consideration of the November 2011 consultation *Fees in the High Court and Court of Appeal*, CP 15/2011, Ministry of Justice, is complete.

**Question 15: Do you agree that the fee should be set at the same level as the fee payable for a full hearing, consistent with the approach proposed for the Court of Appeal where a party seeks leave to appeal?**

We do not have a view on this issue.

**Impact assessment**

**Question 16: From your experience are there any groups of individuals with protected characteristics who may be particularly affected, either positively or negatively, by the proposals in this paper?**

Gypsies and Travellers may be disadvantaged disproportionately by the planning proposals.

Immigrants and asylum seekers may be disadvantaged disproportionately by the proposals as a whole owing to the large number of judicial reviews in this area.

Vulnerable and disabled adults and children may be particularly affected by the proposal to reduce time limits in continuing breach cases.

**Housing Team**
**Garden Court Chambers**
**57 - 60 Lincoln's Inn Fields**
**London WC2A 3LJ**
**Tel: 0207 993 7600**
**www.gardencourtchambers.co.uk**
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