Chapter: 15. Introduction to judicial review

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This chapter looks at the purpose and constitutional significance of judicial review. Where public bodies overreach themselves by acting unlawfully, the judicial review process allows individuals to hold public bodies to account in the courts, ensuring that governmental and public powers are lawfully exercised. This maintains the rule of law by helping to protect the public from the arbitrary or unreasonable exercise of government power. Judicial review is therefore a powerful check and control by the courts on executive action, but it also raises issues of whether the process gives the judiciary too much power over the elected government. There are three preliminary or threshold issues that a claimant needs to satisfy when bringing a judicial review claim. To be amenable to judicial review, the claim must raise a public law matter; it must be justiciable; and the claimant must have standing (locus standi).
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