



HM Courts &
Tribunals Service

**ADMINISTRATIVE COURT LISTING POLICY
(ALL BUSINESS EXCEPT EXTRADITION APPEALS)**

Introduction

This policy replaces the listing policy issued in June 2018.

It provides guidance for officers when listing cases in the Administrative Court. It will be applied by the Administrative Court Office in the Royal Courts of Justice, London (“the London ACO”) and by each of the Administrative Court Offices on circuit (“the circuit ACOs” – i.e. the Administrative Court Offices in Cardiff, Birmingham, Leeds and Manchester). The policy is intended to provide guidance for listing officers.

The policy concerns the listing of all hearings for claims and appeals brought in the Administrative Court, save for extradition appeals. (The practice followed when listing hearings in extradition appeals, including expedited appeals is stated in Criminal Practice Direction 50.)

The Honourable Mr Justice Swift
Judge in Charge of the Administrative Court

31 May 2021

PART A: GENERAL

Urgent interim applications

1. The following applies to urgent applications filed within working hours (i.e. Monday to Friday, London 9am to 4.30pm, out of London 9am to 4pm). Any out of hours urgent application should be directed to the Queen's Bench Division out of hours duty clerk (020 7947 6000).
2. Any urgent application made to the Administrative Court within working hours must be made using Form N463.
3. Urgent applications should be made by filing (a) Form N463 (properly completed – see Practice Direction 54B at §1.2); together with (b) the required application bundle (see Practice Direction 54B at §1.3). Wherever possible, urgent applications and supporting documents should be filed by email. They may also be filed by post and DX. Litigants in person without access to email should contact the relevant Administrative Court office to discuss possible alternative arrangements.
4. The appropriate fee must be paid. Court users who wish to lodge an urgent application without payment of the court fee are required to follow the procedure at Annex 1.
5. Each urgent application will be reviewed by an ACO lawyer to ensure it meets the requirements in Practice Direction 54B as appropriate – i.e. Practice Direction 54B at §§1.2 – 1.3 and 1.7 (all applications); §§2.2 – 2.4 (applications for interim relief); and §§3.1 – 3.2 (applications for expedition). If the application meets the requirements in Practice Direction 54B and requires immediate attention, it will be sent to a judge the same day.
6. When considering the application, the judge will have regard to the matters at §1.8 of Practice Direction 54B.
7. If an oral hearing is required, it will be listed in accordance with directions given by the judge. The parties will be notified of any directions given by email. Hearings are likely to be listed without reference to the availability of the parties or their representatives.
8. If an application made on Form N463 does not require urgent attention it may either be refused, or be allocated for consideration by a judge as a non-urgent interim application – see at paragraph 13 below.

Permission hearings: judicial review claims and statutory appeals.

9. A permission hearing will be listed on receipt of a Renewal Notice (Form 86B) and the relevant fee or a Judge's order adjourning a permission application into court.

10. The general expectation for cases in London is that the parties will be notified of the date for the hearing of the renewed application within 2 weeks, and that the hearing of the application take place between 3 and 8 weeks of the date the Renewal Notice was filed. The practice for listing renewal hearings by the circuit ACOs may differ. Hearings will usually be fixed at the Court's convenience; counsel's availability will not ordinarily be a relevant consideration.
11. Hearings will be listed with a time estimate of 30 minutes. If any party considers that a different time estimate is required, the court must be informed immediately – see Practice Direction 54A at §7.7.

Non-urgent interim applications

12. Non-urgent interim applications must be made using Form N244. The time within which the application needs to be decided (or any other information relevant to the time within which the application must be decided) must be included in Form N244 and in a covering letter. The application must include a draft order. If particular directions are sought for the purposes of determining the application, those directions must be stated in Form N244.
13. Applications will ordinarily be considered on paper, in the first instance. Any directions necessary for the determination of an application will be given by the court. Any hearing required will be listed in accordance with those directions.

Final hearings (including rolled-up hearings): judicial review, statutory appeals/applications and case stated appeals

14. Save as provided otherwise (see Part D below), final hearings in judicial review claims and statutory appeals will be listed within 9 months of the date of issue.
15. Once permission is granted, the claimant must pay the relevant fee for continuation within the statutory time limit. If the fee is not paid within the time permitted, the case will be closed and will not be listed. Where a rolled-up hearing has been ordered, the claimant must give an undertaking to pay the continuation fee if permission is ultimately granted. If the undertaking is not given, the case will be closed and will not be listed.
16. A case will enter the Warned List on the first day following time allowed by the CPR (or judicial order) for filing and service of documents (e.g. in an application for judicial review, the date for filing and service of Detailed Grounds of Defence and evidence). Once in the Warned List, the case will usually and subject always to any order to the contrary, be heard within 3 months (“the listing period”).
17. When a case has entered the warned list, the listing office will email the parties (if represented, the representative) with details of the listing period. Parties will be told the date by which they must provide a list of dates to avoid. Parties are encouraged to seek to agree mutually convenient dates for the hearing (see further paragraph 19 below).

18. Cases will be listed for hearing in accordance with the following principles.
19. If the parties offer dates that (a) correspond; and (b) are within the listing period, every effort will be made to list the case for hearing on those dates.
20. If the available dates provided by the parties do not correspond, or the dates provided (even if they correspond) are unsuitable for the court, the case will be listed for hearing at the Court's convenience.
21. Where counsel or a solicitor advocate is instructed, the listing period will not be ordinarily be extended solely because of their availability.
22. A case allocated to any of the circuit offices will be listed for hearing on that circuit at the most geographically appropriate hearing centre, subject to judicial availability.

PART B: DIVISIONAL COURTS

23. Where a party considers that a claim or application should be dealt with by a Divisional Court, then that party should notify the ACO in writing as soon as possible, i.e. usually in or with the claim form or application, or the acknowledgment of service or response to an application.
24. Although parties may make representations as to the suitability of a case to be heard before the Divisional Court, the decision whether a case should be listed before the Divisional Court and if so, the constitution of that Court, are matters for the Court.
25. The ACO will not be able to offer as many suitable available dates for a hearing and will not ordinarily take account of the availability of each party's counsel/solicitor advocate when listing the hearing.

PART C: ADJOURNING/VACATING HEARINGS

26. A hearing will generally not be adjourned or vacated unless there are good reasons to do so, even where all parties agree that the hearing should be adjourned. An adjournment will rarely be granted if the only reason for the application is that counsel is unavailable.
27. Any application to adjourn or vacate a hearing must be made using either Form AC001 or Form N244 (see links on the Administrative Court website). The application notice should be filed with the court at least 3 days prior to the hearing (unless good reason is provided for the late filing of the application). A fee is payable save where the application is both made by consent and made more than 14 days before the date fixed for the hearing.

28. The application must set out the reasons in support of the application. Even when an application is made by consent, the application must set out the reasons why the hearing should be adjourned/vacated. A draft order must be provided.
29. Notwithstanding that an application to adjourn or vacate a hearing has been filed, parties should assume that the hearing remains listed until they are advised otherwise by the court.
30. A hearing may only be adjourned or vacated by judicial order. A decision whether to grant or refuse an application to adjourn can be taken by an ACO lawyer under delegated powers. If a party is not content with an order of the ACO lawyer, it may request that the order is reviewed by a judge. The review will be either on consideration of the papers or at a hearing. The request for a review must be made in writing (within 7 days of the date on which the party was served with the ACO lawyer's order). The request must include the original application; should address the reasons given by the ACO lawyer when refusing the application; and set out any further matters relied on. As long as the request is filed within 7 days (or such time as allowed by the order) no further fee is payable.

PART D: PLANNING COURT

31. The Planning Court is a specialist list under the charge of the Planning Liaison Judge (CPR 54.22). The work covered by the Planning Court is defined in CPR 54.21. Claims in the Planning Court will be heard by judges nominated by the President of the Queen's Bench Division. Certain judges are nominated to hear "significant" cases whilst other judges may only hear "other cases" (CPR 52.22).
32. The policy set out in paragraphs 1 to 25 above generally applies to cases in the Planning Court subject to the points set out below and any other alterations which may from time to time be laid down by the Planning Liaison Judge.
33. Cases in the Planning Court generally fall into four broad categories:-
 - (a) *Planning Statutory Review claims* under PD8C¹. Permission to apply is required and an Acknowledgment of Service must be accompanied by summary grounds of defence;
 - (b) *Planning Statutory Appeals (or Applications)* under PD8A paragraph 22².

¹ Claims under section 287 or 288 of TCPA 1990, section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 22 of the Planning (Hazardous Substances) Act 1990 and section 113 of the Planning and Compulsory Purchases Act 2004

² A statutory application to quash an "order, scheme, certificate or plan" e.g. to quash a

Permission to apply is not required. Summary grounds are not required unless ordered by the Court (under CPR PD 54D 3.5);

- (c) *Appeals under section 289 of TCPA 1990* against decisions on enforcement notice appeals and tree replacement orders (under section s.208)³ where permission is required (see PD 52D para 26);
 - (d) *Planning judicial reviews* where permission to apply and an Acknowledgment of Service are required (see CPR 54.4 and 54.8). These include challenges to decisions of local planning authorities, development consent orders (under s.118 of the Planning Act 2008) and neighbourhood plans (under s.61N of TCPA 1990).
34. The Planning Liaison Judge designates cases which are “significant” according to paragraph 3.2 of Practice Direction 54D. Paragraph 3.4 of Practice Direction 54D sets the following target timescales for significant cases, which, save where the interests of justice require, will apply.
- (a) Applications for permission to apply for judicial review or planning statutory review are to be determined within three weeks of the expiry of the time limit for filing of the acknowledgement of service.
 - (b) Oral renewals of applications for permission to apply for judicial review or planning statutory review are to be heard within one month of receipt of request for renewal.
 - (c) Applications for permission under section 289 of the Town and Country Planning Act 1990 are to be determined within one month of issue.
 - (d) Planning statutory reviews are to be heard within six months of issue.
 - (e) Judicial reviews are to be heard within ten weeks of the expiry period for the submission of detailed grounds by the defendant or any other party as provided in CPR 54.14.
35. Cases not designated as “significant” will be dealt with within the general timescales set out above for other claims in the Administrative Court.

Permission hearings

36. Hearings of renewed application for permission will usually be fixed at the

CPO, or an order for a road scheme under the Highways Act 1980, or a traffic regulation order under the Road Traffic Regulation Act 1984.

³ And under section 65 of the Planning (Listed Building and Conservation Areas) Act 1990.

Court's convenience; counsel's availability will not ordinarily be a relevant consideration. Hearings will be listed with a time estimate of 30 minutes. If any party considers that a different time estimate is required, the court must be informed immediately – see Practice Direction 54A at §7.7; see also the fixing letter, which states as follows

*“This application has been fixed in accordance with our listing policy and on the basis that it will take no longer than 30 minutes to hear. If you have already indicated that this application will require a hearing of longer than 30 minutes, I would be grateful if you could confirm this with the List Office, **in writing**. Otherwise on receipt of this letter you must confirm your current time estimate.*

This is a mandatory requirement. If it becomes necessary to adjourn because of a late increased time estimate, quite apart from any costs sanction, the solicitors and counsel involved may be required to appear before the Court to explain the failure to comply with the instruction above. Furthermore, the case will be re-listed for the earliest possible opportunity in accordance with the availability of a Judge and not the availability of counsel.”

Final hearings (including rolled-up hearings)

37. For cases to be heard in London, as soon as the Court fee required to continue the proceedings has been paid, the list office will send the parties with a window of suitable dates (by email), and encourage them to agree a mutually convenient date for the hearing.
38. The Court will offer the parties 3 dates, within the relevant timescale set in Practice Direction 54D. Hearing dates for significant cases are chosen by reference to the availability of a judge authorised to hear such cases. If parties are unable to agree one of the 3 dates provided, the case will be listed for hearing without further reference to the parties. See further, paragraphs 20 – 24 above. The appointment to fix procedure is used only when necessary.
39. The circuit offices generally apply the same policy.

Annex 1

Urgent applications: undertakings to pay the required fee

1. Litigants are encouraged to use the HMCTS fee account facility to avoid unnecessary process and delay in issuing court proceedings.

To create an account please contact:

MiddleOffice.DDServices@liberata.gse.gov.uk

2. Fees may be paid using a credit or debit card.
 - For applications issued in London call 0203 936 8957 (10:00am and 16:00pm, Monday to Friday, not Bank Holidays) or email RCJfeespayments@justice.gov.uk.
 - For applications issued out of London provide your phone number to the relevant circuit ACO office; the office will call you to take payment.
3. Litigants who need to lodge an urgent application but are unable to pay the fee either using an account or by credit or debit card, must follow the procedure set out below. This facility may be used only in exceptional circumstances as a result of unavoidable emergency, and only by solicitors/barristers with rights to participate in litigation. The cut off time for using this procedure is 4.30pm for applications issued in London, 4pm for applications issued out of London.

Step 1

Email the required documents (set out below) to:

London

generaloffice@administrativecourtoffice.justice.gov.uk

Cardiff

cardiff@administrativecourtoffice.justice.gov.uk

Tel: 02920 376 460

Birmingham

birmingham@administrativecourtoffice.justice.gov.uk

Tel: 0121 681 4441

Leeds

leeds@administrativecourtoffice.justice.gov.uk

Tel: 0113 306 2578

Manchester

manchester@administrativecourtoffice.justice.gov.uk

Tel: 0161 240 5313

Step 2

Wait for the Court to process your application and email you a sealed claim form for service. Please note if you do not provide all of the documents required (see Practice Direction 54B) together with (a) the undertaking form EX160B⁴; and (b) a covering letter explaining in full the emergency and why the required fee cannot be paid, your application

⁴ The form can be found at <http://formfinder.hmctsformfinder.justice.gov.uk/ex160b-eng.pdf>

will not be processed.

Step 3

Post the required fee to the Court. The undertaking requires that the fee must be received within 5 days. The Court reference must be clearly stated in the covering letter.