

Leave and Standing in Judicial Review

by

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Stephen Thomson is an Assistant Professor at the Chinese University of Hong Kong (CUHK), where he leads teaching in administrative law. Dr. Thomson holds a Ph.D. in judicial review from the University of Edinburgh (UK), where he previously taught constitutional and administrative law on a part-time basis. In addition to his experience in the field of administrative law, Dr. Thomson is the leading authority on equitable jurisdiction in Scotland where he has written the only book on that subject. Dr. Thomson has practical legal and commercial experience, having worked at law firms and barristers' chambers in the UK and Channel Islands. He has acted on a consultancy basis to law firms, private clients and public bodies in Hong Kong and the UK. Dr. Thomson is also a Legal Adviser to the Ombudsman of Hong Kong.

The leave stage is an important preliminary aspect of judicial review procedure. If an application fails at this stage, it will not be considered at a substantive hearing. This intermediate level course will give an overview of the leave stage, beginning with the relevant statutory and court rules.

We will examine five main areas which can prove decisive at the leave stage: (i) delay, (ii) failure to demonstrate standing, (iii) non-justiciability of subject matter, (iv) the application is insufficiently connected with a public law matter, and (v) non-arguability. Each of these areas will be considered at the level of principle, case law and practice.

Is delay always fatal for an application for leave to apply for judicial review? Who can demonstrate standing in an application, and what are some of the factors that can be used to establish standing? When does the subject matter of an application deem it non-justiciable, and therefore not subject to judicial review? When is an application insufficiently connected with a public law matter? When is an application likely to be considered non-arguable, and what are some of the issues faced in demonstrating arguability? These and other questions will be addressed with regard to this important aspect of judicial review procedure.

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Scan to Calendar



Code:	EVT000000147	Level:	Intermediate
Date:	9 September 2016 (Friday)	Language:	English
Time:	14:30 - 17:45 (Reception starts at 14:00)	Accreditation(s):	LSHK 3.0 CPD Points (LSHK Allocated Number: 20162582)
Venue:	Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	Please Contact Us for Details



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