

# FOREWORD

by Lord Woolf, former Lord Chief Justice

*Writing in January 1994 (First Edition):* This ‘Handbook’ adopts an entirely novel approach to make available the vast volume of material which now constitutes the corpus of administrative law. It is an approach which I have found, having used a pre-publication version of the book, works extremely well in practice. Over the years administrative law, which is the law applied on applications for judicial review, has grown like Topsy. The application of the law involves, so far as this is possible, identifying from a mass of case law the underlying principles. This is just what the Handbook helps to achieve. It works by identifying the principles and then setting out the authorities which support those principles. The principles may have to be reconsidered as the case law develops but in their present form they provide an admirable base from which to start and the copious references by which they are supported provide an extremely important resource.

The Handbook is therefore a valuable addition to the literature which is available on judicial review. As its virtues become known I feel confident it will prove popular with everyone who is concerned with judicial review and in particular those who practise in the public law field, among whom I include the judiciary.

Its title includes the word ‘Handbook’. While I understand the use of this word as part of the title and appreciate that practitioners will certainly find the book ‘handy’, I very much hope that the use of the word ‘Handbook’ will not give the impression that it deals with the subject superficially. This is very far from the case. The ‘Handbook’ skilfully absorbs a remarkable amount of learning. I hope that it has the extremely bright future it deserves.

*Writing in March 1997 (Second Edition):* I have the highest expectations of the second edition having frequently used the first edition.

*Writing in September 2001 (Third Edition):* I expressed the hope in 1994, that the Handbook would have the bright future it deserved. I am delighted that my hopes have been fulfilled. If we needed the first edition our needs are greater now for a third edition. In the intervening seven years the pace of the development of judicial review has continued to accelerate and the Human Rights Act has now acted as a catalyst.

During those seven years the Handbook has regularly come to my aid. I, like many other lawyers and jurists, have become addicted to it. It is our first port of call when we have an administrative law problem. So I am delighted that there is to be an up to the minute third edition. I am also delighted to be able to predict that it will be at least as successful and as valuable to those involved in public law as the two previous editions.

*Writing in September 2004 (Fourth Edition):* I am delighted to have this opportunity of welcoming the 4th edition of this most valuable Handbook.

One of the great strengths of judicial review is that it has been entirely created through the decisions of the courts over the years. As it has evolved so have the principles around which it is structured. The foundations are sound and courts continue to build upon them.

## FOREWORD

However, as a result the number of authoritative cases continues to grow. Not even the most able and experienced practitioners or judges can possibly keep abreast with the continuously increasing number of authorities. For both, the Handbook is a most valuable resource.

Certainly, in my work I find the Handbook extremely valuable and I am delighted that there is once again an up-to-date edition so I can again, having consulted it, know that there is no important decision which I have overlooked.

The Human Rights Act made the author's task even more difficult but he can be relied upon not to let standards slip. I am confident that this new edition will cause public lawyers, irrespective of the sphere in which they work, to share my enthusiasm for the Handbook.

## FOREWORD TO THE FIFTH EDITION

I am delighted to welcome the 5th edition of this volume, which has become an institution for those who practise public law. Ever since the first edition, I have been a great admirer of the Handbook and its author. When I wrote the foreword for the first edition, I was very optimistic about its prospects and it gives me pleasure in regard to the Handbook to have had my judgements proved correct.

This edition has of necessity been the subject of significant and strategic pruning. The Handbook was in danger of being smothered by its own success. Such has been the growth of its contents, matching the growth of judicial review that there was a danger of its no longer being so convenient to use. However, unsurprisingly, Michael Fordham has recognised this danger and ensured that his pruning has eradicated it. As with the previous editions, the subject is still treated in sufficient depth; it retains the best of the past while including the most recent cases, with which practitioners, judges and academics have to keep abreast.

In the first edition, Michael Fordham made clear that as a practitioner of judicial review, he was a novice. That is far from the position today. He is now one of the most distinguished leaders in this field at the Bar, as has been acknowledged by his being declared Chambers UK's Human Rights and Public Law Silk of the Year 2008; an award which, from my own knowledge, he richly deserves. The selection of the cases included in the latest edition has, therefore, an authority which was absent from the first edition. It has the authority that comes from being compiled by an author of singular distinction.

Lord Woolf  
House of Lords  
October 13, 2008

## PREFACE

Much can be achieved in public law through instinct, experience and familiarity with general principles which are broad, flexible and designed to accord with common sense. Nevertheless, the case-law—overwhelming in its volume and flow—is an indispensable source. It gives us authoritative exposition and working illustration. There is almost always a case which helps on the point you are considering. The challenge is to find it.

When I wrote the first edition of this Handbook, never—I confess—having actually done a judicial review case, I focused on the primary sources: the decided cases. My aim was to read as many as I could and try to extract, classify and present illustrations and statements of principle. Into this fifth edition, that is still my approach. I keep the Handbook up to date using Lawtel and the law reports.

I have culled many of the case references from the previous edition, resisting the strong temptation to add and never subtract, trying to achieve a manageable size and density. Older references can always be found in previous editions. The Case Synopses, printed within previous editions, are no longer here but are instead freely available for reference at [www.judicialreviewhandbook.com](http://www.judicialreviewhandbook.com).

I found myself preparing this edition at the moment at which Lord Bingham has retired as our Senior Law Lord. It has proved to be a most opportune time to take stock. Lord Bingham's rulings and reasoning, overflowing with pithy insights, will guide practitioners and judges for decades to come. His is an immense and lasting contribution: a Binghamised public law.

My thanks to Richard Hart and the Hart Publishing team; my clerks at Blackstone Chambers; and my long-suffering family: Alison (foxy), Anna, Bradley and Lois. The idea that comforts me when I disappear to the attic—that I am not “working” but “doing my book”—is, to them, rightly a distinction without a difference.

**Michael Fordham QC**

Blackstone Chambers, London

[www.blackstonechambers.com](http://www.blackstonechambers.com)

[michaelfordham@blackstonechambers.com](mailto:michaelfordham@blackstonechambers.com)

30th September 2008