

# NICK CLEGG

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Isaac Shaffer  
Save Justice

6<sup>th</sup> March 2014



Thank you for your letter of 28 November and for delivering the 3,000 postcards signed by those with concerns about the Government's reforms to criminal legal aid and applications for judicial review. Please accept my apologies for the delay in responding. Unfortunately, as the email addresses of those supporting the Save Justice campaign were not included we are unable to reply to them all individually; however, I would like to take this opportunity to address the concerns raised by the Save Justice Campaign.

I should stress from the outset that legal aid must play its part in fulfilling the Government's commitment to reducing the fiscal deficit and returning this country's economy to stability and growth. Legal aid forms a vital part of a system of justice in this country, which we are rightly proud of. The Coalition Government has had to make difficult choices and we have had to make changes to protect the long term future of the legal aid system. Despite the economic challenge, the Liberal Democrats have consistently made clear that legal aid should continue to be available for the most vulnerable. However, the system is now among the most expensive in the world, costing over £2 billion a year, and in the current fiscal climate this is simply unsustainable.

Criminal legal aid accounts for a significant proportion of the Ministry of Justice's (MoJ) budget and cost over £1bn in 2011/12. The Government believes that reforms are needed to ensure long term sustainability and value for money in the criminal legal aid market and in April published its proposals in the *Transforming Legal Aid: delivering a more credible and efficient system* consultation paper. The Government listened closely to the voices of interested individuals and groups and revised proposals to maintain the principle of client choice and to compete on quality, not price. We continue to work with the Law Society on an effective model for competition and are considering other responses received.

Judicial review is and will remain a critical check on the power of the State, providing an effective mechanism for challenging the decisions, acts or omissions of public bodies to ensure that they are lawful. However, the Government is concerned about the number of unmeritorious judicial reviews which cause unnecessary cost and delay. If we are to sustain a legal aid system which commands public confidence, the limited legal aid resources should be targeted at those judicial review cases where they are needed most.

MoJ therefore sought views in its November consultation on proposals for transferring the financial risk of the application to the legal aid provider, in order to encourage them to give careful consideration to the strength of the particular case, before applying for permission

for a judicial review. However, we know that some cases are settled before a permission decision and have proposed that discretionary payments will be made available under certain circumstances.

Following this consultation, the Government is taking forward a package of measures to reform judicial review, which includes a set of financial measures, 'leapfrogging', procedural defects and a new Planning Court.

Through these measures, the Government aims to see cases resolved more quickly – it is particularly interested in planning cases given the economic implications – and it is tackling the potential for using meritless judicial reviews to cause delay and frustrate proper decision-making. The Government sees it as important that anyone making a judicial review claim faces a fair level of financial risk. Judicial review plays a vital role in holding public bodies to account - this is not under threat. The reforms will speed up the process for people who have arguable grounds and a genuine case to put.

The Government listened carefully to what respondents said and in light of their comments decided not to go ahead with proposals to reform standing (who can bring a judicial review) or to prevent local authorities using judicial review to challenge Nationally Significant Infrastructure Projects (NSIPs) ('Dutch Standing').

I hope that this letter outlines the Coalition's position, and explains the reasons for making these changes.

Thank you, once again, for writing on this important issue.

*Yours sincerely,*

**Nick Clegg MP**  
Leader of the Liberal Democrats

