



Public Law Project

PUBLIC LAW CHALLENGES

Litigating LASPO

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Public Law Project



Introduction

- LASPO and the legal aid scheme
- Challenges
- *Law Centres Federation v Lord Chancellor* [2018] EWHC 1588 (Admin)



***Law Centres Federation v Lord
Chancellor [2018] EWHC 1588 (Admin)***

What was being challenged?

- Larger HPCD scheme areas
- Price competitive tendering



Why was it challenged?

- Problems for users
- Problems for Law Centres



What arguments were used?

- Irrationality/breach of Tameside duty of inquiry
- Breach of Public Sector Equality Duty



Judgment

- *“I am therefore driven to the conclusion that this decision was one that no reasonable decision-maker could reach on the state of the evidence that the LAA had gathered and in the absence of further inquiry.”* [§93]
- *“I regret to say that the evidence falls a long way short of demonstrating that any Minister (in person) gave due regard to the equality impact of the proposed changes..”* [§104]
- Tender quashed and contracts extended



Why did it work?

- Defendant's decision-making
- Engagement with consultation and beyond
- Collaboration and support
- Focus on impact on clients



Other Cases

- *Ben Hoare Bell Solicitors & Ors, R v The Lord Chancellor* [2015] EWHC 523 (Admin)
- *Rights of Women, R (on the application of) v The Lord Chancellor and Anor* [2016] EWCA Civ 91
- *The Public Law Project, R v Lord Chancellor* [2016] UKSC 39
- *Gudanaviciene & Ors, R v The Director of Legal Aid Casework & The Lord Chancellor* [2014] EWCA Civ 1622
- *IS v The Director of Legal Aid Casework & The Lord Chancellor, R* [2015] EWHC 1965 (Admin); [2016] EWCA Civ 464
- *Howard League and PAS, R v The Lord Chancellor*
- *Law Centres Federation v Lord Chancellor* [2018] EWHC 1588 (Admin)
- *The Law Society, R v The Lord Chancellor* ([2018] EWHC 2094 (Admin))