Understanding Public Procurement Judicial Review
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In today’s procurement is no longer a purely domestic matter. While there is evidence to suggest, from the reported cases, that there has been an increase in recent years (such as in 2012), attempts to reduce the number of public procurement JR, by shortening the time limit for applications for JR, have been unsuccessful. Nevertheless, the Government introduced the Reform in July 2013, disregarding the concerns highlighted in the responses to their consultation documents CP25/2012. This lack of coincidence with (other than to who can bring a JR claim for example third party claimants so-called ‘third party’ claims) raises doubts as to whether the Reform has met its objectives.

The Rise in Public Procurement Judicial Review Claims

The number of public procurement judicial review claims has increased significantly over the period from 1970 to 2010. During this time, the number of public procurement judicial review claims increased from 7 in 1970 to 57 in 2010 and 12 in 2013. As noted by the Commission in 2005, such claims are seen as being more complex than just issues for public procurement judicial review litigation.

The Reform proposed a package of measures that the Government felt would stem the growth in applications for judicial review. The Reform was not evaluated and results were once again not seen by the public.

The Evidence

In 2012 the Ministry of Justice conducted a consultation exercise entitled Judicial Review: Proposals for Reform. The Reform proposed a package of measures that the Government felt would stem the growth in applications for judicial review. The Reform was not evaluated and results were once again not seen by the public.

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