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21 July 2014

Our Ref: FOI4101

Freedom of Information: Right to know request

Thank you for your request under the Freedom of Information Act 2000 (the Act), for the following information, relating to judicial review proceedings against the FCA'

'In each the last 3 financial years:

- 1. How many pre-action protocol letters threatening judicial review have been received? Of that number how many pre-action protocol letters were from individuals and how many were from corporates?*
- 2. How many judicial review proceedings have been commenced against the FCA? Of that number how many were brought by individuals and how many by corporates?*
- 3. How many judicial review proceedings against the FCA had permission granted? Of that number how many were brought by individuals and how many by corporates?*
- 4. How many judicial review applications had permission refused? Of that number how many were brought by individuals and how many by corporates?*
- 5. How many judicial review proceedings were discontinued or withdrawn? Of that number how many were brought by individuals and how many by corporates?*
- 6. How many judicial review proceedings ended in a full contested hearing? Of that number how many were brought by individuals and how many by corporates?'*

Your request has now been considered. In relation to point 1, we are unable to provide you with information you are seeking. We estimate that to break down the information in the exact form or at the level of detail you have requested would exceed the 18 hour time limit for us to comply with it. This is because the information we hold relating to this point is not held in a readily extractable format and would require us to manually review all case-related material for the period in question. For a detailed explanation as to why this exemption applies, please also refer to the Annex.

Our response to the remainder of your points is outlined in the table below attached in the Annex. Please note in some instances, the application was submitted by both an individual and corporate.

Yours sincerely

Information Access Team

Your right to complain under FoI Act

If you are unhappy with the decision made in relation to your request, you have the right to request an internal review. If you wish to exercise this right you should contact us within three months of the date of this response.

If you are not content with the outcome of the internal review, you also have a right of appeal to the Information Commissioner at *Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire, SK9 5AF. Telephone: 01625 545 700. Website: www.ico.gov.uk*

Annex

• **Section 12 (Cost of compliance exceeds appropriate limit)**

The Act requires us to comply with a request, unless it would be too expensive to do so, as estimated in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 made by the Department of Constitutional Affairs (now Ministry of Justice). The regulations provide that, for the FCA, the cost limit is £450, i.e. 18 hours at the rate of £25 per person hour. The regulations allow us to take into account when estimating the cost of complying with a request the time spent determining whether we hold the information requested, locating and retrieving it, and extracting the information from the relevant document(s).

As explained above, the information requested in relation to point 1, is not recorded or held in the manner outlined i.e. in a readily extractable format. Therefore, to process your request would require us to manually access all case related material we hold for the period in question to extract, 1) check if a pre-action protocol letter was received threading judicial review, 2) whether it was from an individual or 3) a corporate. This we estimate will far exceed the cost limit of £450.

As our policy is not to divert our resources from our regulatory functions in order to meet requests under the Act in excess of the cost limit, we will not carry out an exercise to identify the information you have requested.

Table - Judicial Reviews In each the last 3 financial years:

2. How many judicial review proceedings have been commenced against the FCA? Of that number how many were brought by individuals and how many by corporates?			
	Total	Individual	Corporate
2012/13	1	1	0
2013/14*	3	3	1
2014/15	3	1	2
3. How many judicial review proceedings against the FCA had permission granted? Of that number how many were brought by individuals and how many by corporates?			
	Total	Individual	Corporate
2012/13	0	0	0
2013/14	1	1	0

2014/15	1	0	1
4. How many judicial review applications had permission refused? Of that number how many were brought by individuals and how many by corporates?			
	Total	Individual	Corporate
2012/13	1	1	0
2013/14*	1	1	1
2014/15	3	2	1
5. How many judicial review proceedings were discontinued or withdrawn? Of that number how many were brought by individuals and how many by corporates?			
	Total	Individual	Corporate
2012/13	0	0	0
2013/14	0	0	0
2014/15*	1	1	1
6. How many judicial review proceedings ended in a full contested hearing? Of that number how many were brought by individuals and how many by corporates?			
Number	Total	Corporate	Number
2012/13	0	0	0
2013/14	0	0	0
2014/15	0	0	0

NB. In three instances, one application was submitted by both individual and a corporate. Please see asterisk (*). We have also excluded Judicial Reviews commenced prior to 1 April 2012.