

Judicial review of An Coimisiún Pleanála decisions under the provisions of the Transport (Railway Infrastructure) Act (as amended).

Section 43(3)(v) of the Transport (Railway Infrastructure) Act 2001 ('the 2001 Act') requires that An Coimisiún Pleanála provides 'practical information regarding the judicial review procedures by which a person may seek to question the validity of a determination of the Commission on a proposed railway order' which can be found on the Commission's website. This is the notice required by section 43(3)(v). It is uploaded to the Commission's website and issued to all parties who made submissions.

A person wishing to challenge the validity of a Commission decision may only do so by way of judicial review. Sections 47 and 47A of the 2001 Act contain provisions in relation to challenges to the validity of a decision of the Commission.

The validity of a decision taken by the Commission may only be questioned by making an application for judicial review under Order 84 of the Rules of the Superior Courts.

The application should be made within the period of 8 weeks beginning on the date on which the Order was made, subject to the possibility of an application for an extension of time where the criteria under section 47(5) are satisfied. The application is made to the High Court on leave. The applicant must demonstrate that there are substantial grounds and that they have sufficient interest.

Sufficient interest is not limited to an interest in land or a financial interest. There are provisions applicable to bodies or organisations whose aims or objectives relate to environmental protection.

Section 47A(6) states that the High Court may 'as a condition for the granting of section 47 leave, require the applicant for such leave to give an undertaking as to damages.'

Costs protection arising from section 50B of the Planning and Development Act 2000 (as amended) applies to judicial review taken against the approval of a railway order.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.