

FAQ on Standing

Please note: the information contained in this document and elsewhere on the PILA website is for information purposes only, it is not to be construed as legal advice. FLAC accepts no responsibility for actions taken on foot of this website or for the content of external websites or information sources referred to within it.

What is 'standing'?

Standing (or 'locus standi') refers to the right to be heard by the Court. Before a claim for judicial review can be heard, the Court needs to be satisfied that the person or organisation bringing the application for judicial review has a right to bring the claim heard.

What is the relevant court rule?

Order 84 Rule 20(4) of the Rules of the Superior Courts provides that the Court shall not grant leave for judicial review unless it considers that the applicant has a sufficient interest in the matter to which the application relates.

What is the purpose of requiring 'sufficient interest'?

To protect the Courts from becoming the "happy hunting ground of the busybody and the crank" ([Cahill v Sutton \[1972\] IR 262](#)), in other words clogged up with judicial reviews taken by people who have no real interest in the matter.

Why is standing an issue in public interest litigation?

If standing rules are applied narrowly, they can prevent a public interest issue from being heard. By definition, public interest issues affect more than one person. In addition, those affected by public interest issues are sometimes unable or not best-placed to bring a case.

Can a non-governmental organisation apply for judicial review of an issue which affects its clients?

The judicial review will need to concern a live issue which affects an individual ([see FAQ on Mootness](#)). The Court will want to know why a non-governmental organisation – and not the individual affected – is bringing the case. The Court would need to be satisfied that the non-governmental organisation had a genuine and good faith interest in the matter and either:

(a) the individual affected by the issue was not in a position adequately to assert the claim*; and/or

(b) the issue affected all of the public and yet it was unlikely that anyone else would be in a position to bring the claim.**

* [*The Society for the Protection of Unborn Children \(Ireland\) Limited -v- Diarmuid Coogan & Ors, Defendants \[1988\] IR 734, Irish Penal Reform Trust Limited & Ors -v- the Governor of Mountjoy Prison & Ors \[2005\] IEHC 305*](#)

** [*Digital Rights Ireland - v - The Minister for Communication, Marine and Natural Resource & Ors 5th May 2010*](#)

PILA (Public Interest Law Alliance)

PILA is a public interest law network that seeks to engage the legal community and civil society in using the law to advance social change.

PILA was established in 2009 as a project of FLAC (Free Legal Advice Centres), an independent human rights organisation that promotes equal access to justice for all.

PILA aims to:

1. Driving and growing a diverse alliance of people and organisations who are committed to the development of public interest law in Ireland.
2. Promoting and facilitating pro bono in order to build the capacity of organisations to engage in public interest law work.
3. Mobilising emerging lawyers through clinical legal education programmes with a focus on public interest law.
4. Conducting research on barriers to public interest litigation in Ireland, raising awareness and working to remove these barriers.

What is public interest law?

Public interest law is the law that goes to the very core of our society – affecting the rights, well-being, health, or finances of our people as a whole – but, most commonly, the law that advocates for those who are disadvantaged or marginalised.

It involves using law reform, litigation and legal education as tools of change. We approach public interest law work in its broadest sense; not specifically having to involve the courts, but also assisting vulnerable groups to participate in processes that affect them.

PILA Pro Bono Referral Scheme

Central to PILA's work is the Pro Bono Referral Scheme, which supports social justice non-governmental organisations (NGOs), independent law centres and community organisations in obtaining legal assistance where they do not have the resources or in-house expertise.

PILA receives and assesses requests for assistance from over 110 NGOs, filtering matters that meet our criteria and referring them on to a pro bono barrister, solicitor or law firm with suitable skills.

The Pro Bono Referral Scheme gives NGOs access to:

- Legal advice – on organisational issues or in line with policy and campaign work;
- Law reform working groups – where lawyers and NGOs come together to work to implement social change;
- Litigation support – including pre-litigation advices and casework; and

- Legal education sessions – to better equip NGO staff in navigating the law.