



**In the High Court of Justice  
King's Bench Division  
Administrative Court**

CO/1111/2021

**In the matter of an application for judicial review**

**THE KING on the application of**

**VICTORIA ANGELL**

**KAREN CHURCHILL**

**ROSALYN ROCK**

**Claimants**

**-and-**

**SECRETARY OF STATE FOR HEALTH AND SOCIAL CARE**

**SECRETARY OF STATE FOR ENVIRONMENT FOOD AND RURAL AFFAIRS**

**SECRETARY OF STATE FOR DIGITAL CULTURE MEDIA**

**Defendants**

**On an application by the Claimants to rely on additional witness statements**

Following consideration of the documents lodged by the Claimants and the Defendants

**ORDER by Sir Ross Cranston sitting as a High Court judge**

Refused.

**Reasons**

***BACKGROUND***

1. This claim relates to the use of 5G wireless technology. In general terms the Claimants allege that 5G has public health risks and the Defendants have failed to (1) investigate and consider the nature and extent of the risks to the safety of individuals and human health (2) adopt and apply a precautionary principle, or informed foresight, to the exposure of non-consenting children and adults to a risk of harm.
2. In the Statement of Facts and Grounds dated 22 March 2021 the Claimant advanced its legal claim on a number of grounds:
  - i. breach of section 6 of the Human Rights Act 1998 by reference to Articles 2, 3 and 8 ECHR;
  - ii. failure to consider the best interests of children;
  - iii. public sector equality duty;
  - iv. breach of statutory duty under s 2A of the National Health Service Act 2006
  - v. failure to have regard to a relevant consideration;
  - vi. failure to provide adequate and sufficient reasons and/or transparency; and
  - vii. irrationality and/or irrational failure to make sufficient enquiry.
3. In greater detail ground i (d) was:

“Failure to provide adequate or effective information to the public about the risks and how, if it be possible, it might be possible for individuals to avoid or minimise the risks”

and ground vi was:

“(a) failure to provide adequate and sufficient reasons for not establishing a process to investigate and establish the adverse health effects and risks of adverse health effects from 5G technology and/or for discounting the risks presented by the evidence available; and/or (b) failure to meet the requirements of transparency and openness required of a public body.”

4. Foster J refused permission on the papers on 6 July 2021.
5. On 28 October 2021 Lang J refused permission following an oral renewal hearing.
6. On 25 May 2022 Lewison LJ in the Court of Appeal (Civil Division) granted permission to appeal in part, granting permission to apply for judicial review on two grounds only, what were grounds i (d) and vi, quoted above. [The numbering changed in the application to the Court of Appeal]. Lewison LJ commented that the Claimants could not point to any domestic authority requiring the giving of reasons in a case like this, and a case they cited, *Giacomelli v Italy*, did not apply. He added:

“Nevertheless in *Guerra v Italy* (1998) 26 EHRR 357 at [60] the ECtHR does appear to have accepted a positive duty to communicate information on environmental matters. This ground does in my judgment pass the relatively low threshold required for permission to apply for JR.”

7. Para [60] of *Guerra v Italy* states (footnote omitted):

“The Court reiterates that severe environmental pollution may affect individuals' well being and prevent them from enjoying their homes in such a way as to affect their private and family life adversely. In the instant case the applicants waited, right up until the production of fertilisers ceased in 1994, for essential information that would have enabled them to assess the risks they and their families might run if they continued to live at Manfredonia, a town particularly exposed to danger in the event of an accident at the factory.

The Court holds, therefore, that the respondent State did not fulfil its obligation to secure the applicants' right to respect for their private and family life, in breach of Article 8 of the Convention.

There has consequently been a violation of that provision ”

8. In his Order Lewison LJ made clear that judicial review was not an appropriate vehicle for determining contested scientific matters or the safety (or otherwise) of 5G. He stated that the extent of the advice HMG had taken was not open to challenge, nor the taking of advice from the bodies identified. He expressly rejected grounds ii and iii, adding that challenges to permissible locations to 5G were out of time.
9. In giving directions on 15 July 2022, Bennathan J reiterated that the sole issue in the judicial review was whether the Defendants had met the duty to inform the public as described by ECtHR in *Guerra v Italy* (1998) 26 EHRR 357 at [60]. He said:

“Given Lewison LJ's refusal of permission on all other grounds, his observations that a judicial review is not an appropriate vehicle for determining contested scientific material, and his findings that the Secretary of State was entitled to take the advice taken, and to make the decisions decided, there is no basis for the Grounds or the Skeleton Arguments to invite the Court to engage with the scientific evidence relied on by any party.”

#### *THE APPLICATION*

10. Against this background, and given the tight timetable until the hearing, the application to admit additional witness statements from Lorna Hackett (the

claimants' solicitor), Victoria Angell and Karen Churchill must be rejected. Very little of what they state is relevant to the issue which will be before the Court when the case is heard.

11. Lorna Hackett's statement is about her own position and contains what she states is scientific information as to the risks from 5G. These are not issues for the judicial review. Similarly, most of Victoria Angell's statement is about scientific evidence; it is not relevant to the judicial review. Her statements about what is said to be government misfeasance go nowhere. In as much as the statement deals with failures of the government to provided information to the public about the risks of 5G (paras.4, 13), this is dealt with in the Claimants' Amended SFG (para.53) and therefore does not advance matters. Karen Churchill' new statement contains information about her medical condition and activities, and about north American materials, which are not relevant to the judicial review. In as much as there are references to the failure of the government to provide information in paras.16-17, this is dealt with in the Amended SFG.
12. The Claimants should not need reminding of the limited permission they have been granted and how this will confine the ambit of the hearing.

Signed Sir Ross Cranston

**The date of service of this order is calculated from the date in the section below**

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**For completion by the Administrative Court Office**

Sent / Handed to

**either** the Claimant, and the Defendant [and the Interested Party]  
**or** the Claimant's, and the Defendant's [and the Interested Party's] solicitors

Date: 14/10/2022

Solicitors:  
Ref No.

