



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

CO/1111/2021

In the matter of an application for judicial review

THE QUEEN

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 Parties for directions

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

ORDER by the Honourable Mr Justice Bennathan

1. The application is to be listed for 1 day by the list office in consultation with the parties.
2. The Claimants shall, within 28 days of the date of service of this Order, file and serve amended Grounds, not exceeding 25 sides, addressing the ground for which permission has been granted.
3. The Defendants shall, within 28 days thereafter file and serve Detailed Grounds for contesting the claim, not exceeding 25 sides.
4. The parties shall agree the contents of the hearing bundle and must file it with the Court not less than 4 weeks before the date of the hearing of the judicial review. An electronic version of the bundle shall be prepared and lodged in accordance with the Guidance on the Administrative Court website. The parties shall, if requested by the Court lodge 2 hard-copy versions of the hearing bundle.

5. The Claimants must file and serve a Skeleton Argument not less than 21 days before the date of the hearing of the judicial review.
6. The Defendants must file and serve a Skeleton Argument not less than 14 days before the date of the hearing of the judicial review.
7. The parties shall agree the contents of a bundle containing the authorities to be referred to at the hearing. An electronic version of the bundle shall be prepared in accordance with the Guidance on the Administrative Court website. The parties shall if requested by the Court, prepare a hard-copy version of the authorities bundle. The electronic version of the bundle and if requested, the hard copy version of the bundle, shall be lodged with the Court not less than 7 days before the date of the hearing of the judicial review.
8. Costs in cause.

Observations and reasons

1. The Defendants may be dismayed that permission has been granted and the Claimants will be disappointed that permission was granted on so narrow a basis, but all parties must now work within the limited parameters set by the terms of the order of Lewison LJ on 25 May 2022.
2. 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.
3. The sole issue is whether the Defendants failed to meet the duty to inform the public as described by the ECtHR in *Guerra v Italy* (1998) 26 EHRR 357 [at 60].
4. The limited permission suggests that the only remedies that might be ordered if the Claimants succeed are those set out at paragraph 195(i) and (ii)(d) of the *Detailed Statement of the Facts and Grounds of the Claim*: It is not for me, as the judge making orders as to directions, to limit the decisions that will be taken by the Court hearing the case, but I set out the logic of the limited terms of the case in the hope it assists the parties in their approach.

Signed Joel Bennathan 15.7.22

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

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: 18/07/2022

Solicitors:
Ref No.