

Judicial Review Claim Form

Notes for guidance are available which explain how to complete the judicial review claim form. Please read them carefully before you complete the form.

<i>For Court use only</i>	
Administrative Court Reference No.	CO/2663/2019
Date filed	04/07/2019

In the High Court of Justice Administrative Court	
Help with Fees - Ref no. (if applicable)	H W F - P V A - D F V



Is your claim in respect of refusal of an application for fee remission? Yes No

SECTION 1 Details of the claimant(s) and defendant(s)

Claimant(s) name and address(es)

name
Mr John William Allman

address
27 Crocken Tor Road
Okehampton
Devon
EX20 1TE

Telephone no. 07720 842242 **Fax no.** 070 1197 1197

E-mail address
Litigation@JohnAllman.UK

Claimant's or claimant's legal representatives' address to which documents should be sent.

name

address

Telephone no. **Fax no.**

E-mail address

Claimant's Counsel's details

name

address

Telephone no. **Fax no.**

E-mail address

1st Defendant

name
The Prime Minister

Defendant's or (where known) Defendant's legal representatives' address to which documents should be sent.

name
Government Legal Department

address
Constitutional and Social Care Public Law Team
One Kemble Street
London
WC2B 4TS

Telephone no. **Fax no.**

E-mail address

2nd Defendant

name
Secretary of State for Exiting the European Union

Defendant's or (where known) Defendant's legal representatives' address to which documents should be sent.

name
Government Legal Department

address
Constitutional and Social Care Public Law Team
One Kemble Street
London
WC2B 4TS

Telephone no. **Fax no.**

E-mail address

SECTION 2 Details of other interested parties

Include name and address and, if appropriate, details of DX, telephone or fax numbers and e-mail

name _____

address _____

Telephone no. _____ Fax no. _____

E-mail address _____

name _____

address _____

Telephone no. _____ Fax no. _____

E-mail address _____

SECTION 3 Details of the decision to be judicially reviewed

Decision: _____
 That it would or might be lawful for the British government (the executive, the Prime Minister, the "Brexit Secretary"), in exercise of the Royal Prerogative, to revoke the UK's Article 50 notice of leaving the European Union on Exit Day.

Date of decision: _____
 7th April 2019 (when the claimant learnt of the apparent decision)

Name and address of the court, tribunal, person or body who made the decision to be reviewed.

name _____
 The Prime Minister

address _____
 c/o Government Legal Department
 Constitutional and Social Care Public Law Team
 One Kemble Street
 London WC2B 4TS

SECTION 4 Permission to proceed with a claim for judicial review

I am seeking permission to proceed with my claim for Judicial Review.

Is this application being made under the terms of Section 18 Practice Direction 54 (Challenging removal)? Yes No

Are you making any other applications? If Yes, complete Section 8. Yes No

Is the claimant in receipt of a Civil Legal Aid Certificate? Yes No

Are you claiming exceptional urgency, or do you need this application determined within a certain time scale? If Yes, complete Form N463 and file this with your application. Yes No

Have you complied with the pre-action protocol? If No, give reasons for non-compliance in the box below. Yes No

I have engaged in extensive pre-action correspondence with my MP, who has been a government minister at all relevant times and who has copied in relevant others including the Attorney General, but did not learn until 28th June 2019, from a letter from the Brexit Parliamentary Under Secretary Mr Kwasi Kwarteng, of the need to contact the Govt. Legal Dept..

Have you issued this claim in the region with which you have the closest connection? (Give any additional reasons for wanting it to be dealt with in this region in the box below). If No, give reasons in the box below. Yes No

Does the claim include any issues arising from the Human Rights Act 1998?
If Yes, state the articles which you contend have been breached in the box below. Yes No

My claim is largely a mirror image of the claim of the claimant Mrs Gina Miller in R (Miller and ors) v Secretary of State for Exiting the European Union [2017] UKSC 5. I wish to have the opportunity later, when legally advised, to give a full answer to the question as to what rights of mine might be breached if the PM were UNLAWFULLY to revoke the Article 50 notice already given of the UK's intention to leave the EU. At very least, my Article 8 right would be engaged.

SECTION 5 Detailed statement of grounds

set out below attached

The evidence and arguments of the parties in Miller amounted to about 20,000 pages. The SC judgment alone took 97 pages. However, the gist can be stated simply. Giving Article 50 notice would be unlawful, unless authorised by statute. The Royal Prerogative wasn't authority enough. I plead that the same principles apply to *revoking* Article 50 notice.

The present claim is virtually a mirror image of Miller, with the shoe on the other foot. The government (executive, i.e. the PM) thinks it can revoke the Article 50 notice using the Royal Prerogative, i.e. without a statute enabling this revocation having been enacted. The government is mistaken, for much the same reasons it was mistaken when it thought it could GIVE Article 50 notice in the first place under the Royal Prerogative, rather than needing statutory authority for that.

SECTION 6 Aarhus Convention claim

I contend that this claim is an Aarhus Convention claim Yes No

If Yes, indicate in the following box if you do not wish the costs limits under CPR 45.43 to apply.

If you have indicated that the claim is an Aarhus claim set out the grounds below, including (if relevant) reasons why you want to vary the limit on costs recoverable from a party.

SECTION 7 Details of remedy (including any interim remedy) being sought

A declaration that the Royal Prerogative alone does not empower the British government to revoke Article 50 notice of the UK's intention to leave the EU, because the constitutional requirements for such a revocation include the prior enactment of a statute permitting or requiring revocation, nothing less than an Act of Parliament being sufficient.

SECTION 8 Other applications

I wish to make an application for:-

A protective costs order, because I am an impecunious claimant, whereas the undetermined question of law at stake in this claim is of considerable public interest, constitutional importance, and (potentially) historical impact.

Permission to perfect the Grounds for Judicial Review if and when legally advised, or directed to file a skeleton argument for a hearing or for consideration on the papers.

SECTION 9 Statement of facts relied on

1. I made a misconceived, free-standing application on 9th April 2019. I applied for urgent, injunctive, interim relief, restraining the Prime Minister from purporting to revoke, before the then "exit day" of 23:00 on 12th April, the UK's Article 50 notice of leaving the European Union, without an enabling Act of Parliament. This application was heard by William-Davis J in Court 37 at the RCJ on 9th April 2019, who identified the present judicial review claim as the only proper context for any such injunction application. (That application, the supporting witness statement and a transcript of that hearing of 9th April are now published on my JohnAllman.UK blog.)

2. Before I had made on the 10th a JR claim similar to the present that included an urgent application for the interim relief I had sought on the 9th, the Article 50 notice period was extended until 31st October 2019. Since then, the process that is expected to result in a new Prime Minister forming new government has begun. The urgency subsided and I sought to resolve that matter without litigation. However, the three-month limitation period for a timely JR claim of a decision that became apparent on 7th April 2019 is now drawing to a close.

3. The UK is entitled to revoke its Article 50 notice, as long as the "constitutional requirements" for doing so are met. Many scholars believe that we may infer from near-perfect symmetry of my facts with those in Miller that an such an enabling Act is a constitutional requirement. We learn from the statute book that there isn't yet such an Act in force.

4. We may be sure that the present PM wanted to keep open (as it were) the "option" she had wrongly decided she had, of cancelling Brexit between 9th and 12th April 2019 by purporting to revoke Article 50 notice off her own bat. She had promised there wouldn't be a "no deal Brexit", even though she knew the only way to prevent that imminent "legal default" might soon have become revocation. Had it not been for the extension of the notice period from 12th April to 31st October that was agreed on 11th April, I believe the PM would have purported to revoke Article 50 before "exit day".

5. Since 7th April 2019, I have entered into extensive correspondence with my MP, who has been a government minister at all relevant times, seeking clarification of the Prime Minister's supposed authority to cancel Brexit, other than in pursuance of an Act of Parliament requiring or enabling this. No such clarification has been forthcoming.

6. Since 7th April 2019, the date on which I first discerned the U-turn in the government's belief as to its authority or lack of it to cancel Brexit, I have heard many more news bulletins that cannot sensibly be construed in any other way, except as revealing that the government has decided to believe, and may in unwanted but foreseeable circumstances be preparing (reluctantly) to assert explicitly in public, that the Royal Prerogative empowers it to cancel Brexit, by purported revocation of the Article 50 notice, without there actually being an Act of Parliament enacted that enables the revocation.

MY STANDING?

7. I anticipate that the unlawful purported revocation of the UK's Article 50 notice, in order to stop Brexit, would likely cause all sorts of serious harm to my country. I will leave it to my skeleton argument, if this claim is defended or an oral hearing is needed for me to obtain permission to apply for Judicial Review, to specify in detail what that harm might include, in order to prove that I have an interest in preventing such specific harm. It ought to be plain to the court that any harm caused by cancelling Brexit unlawfully could adversely impact my life and the lives of my Romanian wife, my four adult and one minor children and my nine grandchildren. Very much as Mrs Miller no doubt feared the worst if Brexit was started, by the giving of Article 50 notice unlawfully.

8. There should not be any asymmetry in the court's dealing with the two claims, Miller's which progressed to the Supreme Court, and mine which is only now being issued because, until 7th April 2019, I never imagined in my wildest dreams that the PM was likely to do that which I now fear a future PM might do in the days before 31st October, if not properly informed of the illegality of this, by the declaratory relief I now seek.

9. I am no less affected by Brexit, or its cancellation, than Mrs Miller. Just differently. Brexit, or the abandonment of it, will potentially affect everybody in the UK, Convention rights and all. That is so even though there are different political opinions as to which outcome affects whom, for good and/or for ill.

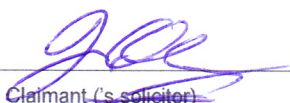
Statement of Truth

I believe ~~(The claimant believes)~~ that the facts stated in this claim form are true.

Full name John William Allman

Name of claimant's solicitor's firm _____

Signed _____



Claimant (solicitor)

Position or office held _____

(if signing on behalf of firm or company)

SECTION 10 Supporting documents

If you do not have a document that you intend to use to support your claim, identify it, give the date when you expect it to be available and give reasons why it is not currently available in the box below.

Please tick the papers you are filing with this claim form and any you will be filing later.

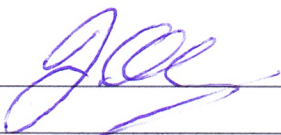
- | | | |
|---|--|-----------------------------------|
| <input checked="" type="checkbox"/> Statement of grounds | <input checked="" type="checkbox"/> included | <input type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Statement of the facts relied on | <input checked="" type="checkbox"/> included | <input type="checkbox"/> attached |
| <input type="checkbox"/> Application to extend the time limit for filing the claim form | <input type="checkbox"/> included | <input type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Application for directions | <input checked="" type="checkbox"/> included | <input type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Any written evidence in support of the claim or application to extend time | | |
| <input type="checkbox"/> Where the claim for judicial review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision | | |
| <input type="checkbox"/> Copies of any documents on which the claimant proposes to rely | | |
| <input type="checkbox"/> A copy of the legal aid or Civil Legal Aid Certificate <i>(if legally represented)</i> | | |
| <input type="checkbox"/> Copies of any relevant statutory material | | |
| <input type="checkbox"/> A list of essential documents for advance reading by the court <i>(with page references to the passages relied upon)</i> | | |
| <input type="checkbox"/> Where a claim relates to an Aarhus Convention claim, a schedule of the claimant's significant assets, liabilities, income and expenditure. | <input type="checkbox"/> included | <input type="checkbox"/> attached |

If Section 18 Practice Direction 54 applies, please tick the relevant box(es) below to indicate which papers you are filing with this claim form:

- | | | |
|--|-----------------------------------|-----------------------------------|
| <input type="checkbox"/> a copy of the removal directions and the decision to which the application relates | <input type="checkbox"/> included | <input type="checkbox"/> attached |
| <input type="checkbox"/> a copy of the documents served with the removal directions including any documents which contains the Immigration and Nationality Directorate's factual summary of the case | <input type="checkbox"/> included | <input type="checkbox"/> attached |
| <input type="checkbox"/> a detailed statement of the grounds | <input type="checkbox"/> included | <input type="checkbox"/> attached |

Reasons why you have not supplied a document and date when you expect it to be available:-

Signed



Claimant ('s Solicitor) John William Allman

2/7/19