



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

CO Ref: CO/5323/2009

In the matter of an application for Judicial Review

The Queen on the application of

- (1) PLATFORM
- (2) PEOPLE AND PLANET
- (3) WORLD DEVELOPMENT MOVEMENT

versus

THE COMMISSIONERS OF HER MAJESTY'S TREASURY

Application for permission to apply for Judicial Review

Following consideration of the documents lodged by the parties

Order by the Honourable Mr Justice Hickinbottom

1. The Commissioners for Her Majesty's Treasury shall be the Defendants in place of the Chancellor of the Exchequer.
2. The time for lodging the Acknowledgment of Service shall be extended to 24 July 2009, so that the Acknowledgment lodged was in time.
3. The Claimants' applications for permission and for a protective costs order shall be heard at a hearing, first available date after 1 October 2009, time estimate half a day.

Observations

The appropriate Defendants appear to be the Commissioners of HM Treasury, and I have made an order accordingly.

I appreciate the force of the Summary Grounds of Defence. However:

(i) I consider the Claimants should be given an opportunity to make good their application for permission. Many of the points raised by the Claimants appear to me to be matters of policy that are beyond this court to consider; but I am not persuaded on the papers that the claims that the Defendant acted unlawfully are unarguable. For example, it seems to me that the points raised in paragraphs 19-20 of the Claimant's Response may raise an arguable issue. I consider the court would benefit from oral submissions on the points raised by both parties, even on the issues of arguability and hence permission.

(ii) Further, I am concerned at the reference in the Summary Grounds of Defence to the Treasury having concluded, after a Green Book assessment, that UKFI should manage shares which it holds on a commercial basis - which was the Defendant's simple response to the claim that such an assessment had not been made - in circumstances in which it now appears that that was only a provisional position, that decision not being taken by Ministers until after the Grounds of Defence had been lodged. It seems to me that that requires some explanation. The decision that is now

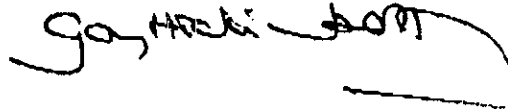
at the heart of the claim is in fact that new decision.

(iii) Whether or not permission is granted, there are costs issues which can be addressed at a hearing, once the decision on permission has been made. If permission is not granted, then there will be issues relating to the costs (if any) which should be awarded in the light of the timing of the decision to manage shares on a commercial basis, Mount Cook and the high level of charges the Defendants claim for the Acknowledgment of Service. The Claimant's application for a protective costs order can also sensibly be considered at the hearing.

There appears to me to be no urgency that warrants this matter being dealt with as vacation business.

I have given directions accordingly.

Signed



Date

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date):

FORM MPA