



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

CO Ref: CO/3563/2012

In the matter of an application for Judicial Review

**The Queen on the application of
Muktar Noor**

versus Secretary of State for the Home Department

NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)

Following consideration of the documents lodged by the Claimant and the Acknowledgement of service filed by the Defendant

Order by Elisabeth Laing QC sitting as a Deputy High Court Judge

Permission is hereby granted

Observations:

I refuse permission in relation to the period of immigration detention before the Claimant began a further sentence of imprisonment (apparently on 11 May 2009) on grounds of delay.

But that is not to prevent the Claimant from arguing that that earlier period is relevant to the assessment of lawfulness of the overall length of his detention under the *Hardial Singh* principles. As is pointed out in the grounds, apart from a short period in 2009, the Claimant has now been detained "pending removal" for more than 5 years.

He has permission to challenge the lawfulness of his detention from 21 July 2009, when the custodial part of the 2009 sentence appears to have ended.

I do not discount the importance of the risks of re-offending and absconding in this case, but it is arguable that the Court might decide that the overall period (between 10 December 2006 and 24 April 2012, when the Claimant was granted bail) coupled with the existence, since May 2008, of the rule 39 indication, meant that a point was reached where the *Hardial Singh* principles were breached.

The acknowledgement of service refers to "voluminous disclosure files". I assume that the Defendant either has complied, or will, comply with her disclosure obligations in this case, but that is not to prevent the Claimant, if there are good grounds for doing so, from applying for disclosure.

Case management directions

- The defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve detailed grounds for contesting the claim or supporting it on additional grounds and any written evidence, within 35 days of service of this order.
- Any reply and any application by the claimant to lodge further evidence must be lodged within 21 days of the service of detailed grounds for contesting the claim.
- Once disclosure is complete and has been reviewed, the parties are to consider whether the time estimate for this case is appropriate, and to notify the court immediately if there are any changes to it.
- The claimant must file and serve a trial bundle not less than 4 weeks before the date of the hearing of the judicial review.
- The claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing of the judicial review.

- The defendant and any interested party must file and serve a skeleton argument not less than 14 days before the date of the hearing of the judicial review.
- The claimant must file an agreed bundle of authorities, not less than 3 days before the date of the hearing of the judicial review.

Listing Directions

The application is to be listed for 2 days; the parties to provide a written time estimate within 7 days of service of this order if they disagree with this direction.

Case NOT suitable for hearing by a Deputy High Court Judge*

Criminal case NOT suitable for hearing by a Single Judge*

[*Tick if applicable]

Directions as to venue, if applicable:

Signed

Bisshopp King

- 8 JUN 2012

For completion by the Administrative Court Office

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

Solicitors:
Ref No.

Notes for the Claimant

- To continue the proceedings a further fee of £215.00, or a certified Application for Fee Remission if appropriate, must be lodged within 7 days of the service on you of this order. Failure to pay the fee or lodge a certificate within that period may result in the claim being struck out.
- You are reminded of your obligation to reconsider the merits of your claim on receipt of the defendant's evidence.



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CO Ref no: CO/3563/2012

In the matter of a claim for Judicial Review

The Queen on the application of

NOOR

versus **SECRETARY OF STATE FOR HOME DEPARTMENT**

Notice of RENEWAL of claim for permission to apply for Judicial Review (C P R 54.12)

1. *This notice must be lodged in the Administrative Court Office and served upon the defendant (and interested parties who were served with the claim form) within 7 days of the service on the claimant or his solicitor of the notice that the claim for permission has been refused.*
2. *If this form has not been lodged within 7 days of service (para 1 above) please set out below the reasons for delay:*
3. *Set out below the grounds for renewing the application:*

4. *Please supply*
COUNSEL'S NAME:
COUNSEL TELEPHONE NUMBER:

Signed

Dated

Claimant's Ref No.

Tel.No.

Fax No.

To the Administrative Court Office, Royal Courts of Justice, Strand, London, WC2A 2LL