Judgment 10/2006 Bradley v Parole Review Committee – Royal Court (Civil Action File 972) – 2nd March, 2006

Judicial review - Parole Review Committee (Guernsey) Law, 1989 – the ruling in Webster (Judgment 60/2004) – the parole criteria – no procedural irregularity – sufficient reasons given – decision not unreasonable in the Wednesbury sense – leave to apply for judicial review refused

IN THE ROYAL COURT OF GUERNSEY

The 2nd day of March, 2006 before Richard John Collas, Esquire, Deputy Bailiff; sitting alone.

Between:

Patricia BRADLEY

("Applicant")

- v -

Chairman of the

Parole Review Committee

("Respondent")

WHEREAS on the 30th day of January, 2006 the Deputy Bailiff considered an application for Judicial Review and heard thereon Advocates S. Mallett and R. J. McMahon, Counsel for the Applicant and Respondent respectively. The Deputy Bailiff this day handed down judgment in the terms attached hereto and:-

1) REFUSED leave to apply for Judicial Review

2) MADE no order as to costs.

S. M. D. ROSS
Her Majesty's Deputy Greffier.

IN THE ROYAL COURT OF
GUERNSEY
(ORDINARY DIVISION)

Between **Patricia BRADLEY** **("Applicant")**

-v-

Chairman of the Parole Review Committee **("Respondent")**

Date of hearing: Monday 30 January 2006

Before: Richard John COLLAS Esq., Deputy-Bailiff

Application for Judicial Review

Judgment handed down on : 2 March 2006

Advocate for the Applicant: Advocate S Mallett
Advocate for the Respondent: Advocate R J McMahon

Statutes referred to:

1) Parole Review Committee (Guernsey) Law, 1989
2) Parole Review Committee Ordinance, 1991 as amended
3) Webster -v- Chairman of the Parole Review Committee and Singleton –v- Chairman of the Parole Review Committee (Royal Court, 15 December 2004)
4) Secretary of State for the Home Department –v- Sittampalam Thirukumar and Others [1989] IMM AR 402
5) Roberts v Parole Board [2005] UKHL 45
6) Official Solicitor v K [1962] 3 All ER 1000 at 1008 1009, sub nom Re K (infants) [1962 Ch 381 at 405/406
7) R v Housing Benefit Review Board of South Tyneside Metropolitan Borough Council ex-parte Tooley COD143
8) Hutchison J in R v Sefton Metropolitan Borough Council ex-parte Cunningham (1991) 23HLR534
9) R v Housing Benefit Review Board for East Devon DC ex-parte Gibson and Gibson (1993 25HLR48*)*
10) Walters v The States Housing Authority, 23 July 1997, in the Guernsey Court of Appeal

Introduction

1. This is an application by Patricia Bradley for Judicial Review of a decision of the Parole Review Committee ("PRC") dated 2 December 2005 refusing her application for early release from prison on parole. To save time and costs I heard the preliminary application for leave to apply for Judicial Review and the substantive application in a single hearing.

2. At the hearing I had before me the Applicant's revised Cause dated 4 January 2006 to which was appended the documents that were available to the PRC when it considered the application; an affidavit sworn by the Applicant dated 4 January 2006; an affidavit of the Chairman of the PRC, David James Ozanne, sworn on 10 January 2006; a Skeleton Argument and submissions of law filed by the Applicant dated 18 January 2006 and the Respondent's Skeleton Argument dated 24 January 2006.

Background

3. The Applicant was arrested at St Peter Port Harbour on 24 September 2004 when she was found to have 1.77 kg of cannabis resin strapped to her body. She subsequently pleaded guilty to a charge of being knowingly concerned in the fraudulent evasion of the prohibition on importation of cannabis resin, a controlled drug of Class B, and was sentenced in the Royal Court on 12 December 2004 to a term of 3 years and 6 months imprisonment effective from the date of her arrest. The prosecution accepted that her role in the importation was that of a courier. Prior to her arrest she was using 1¾ grams of heroin per day and was willing to undertake the importation in return for a relatively modest cash payment.

Eligibility for Parole

4. On completion of one-third of her sentence, the Applicant was eligible to apply for early release on licence under the provisions of the Parole Review Committee (Guernsey) Law, 1989 as amended and the Parole Review Committee Ordinance, 1991 as amended. The history of parole and the way in which it is implemented in Guernsey was comprehensively considered by the former Bailiff Sir de Vic Carey in the matter of *Webster -v- Chairman of the Parole Review Committee* and *Singleton –v- Chairman of the Parole Review Committee* (Royal Court, 15 December 2004). Mr Ozanne acknowledged in his affidavit that the PRC has found his Judgment to be helpful to the PRC in its deliberations and it has been of great assistance to me in considering the present application. Changes to the parole legislation were approved by the States of Deliberation in April 2005 but they have not yet been enacted.

5. Paragraph 2(a) of the Law of 1989 states that it shall be the general duty of the PRC to be responsible for:

> *"the release on licence of persons serving sentences of imprisonment in the Island of Guernsey ("prisoners") whose*

> *cases have been referred to it by the States Home Department, on the grounds of their industry, good conduct, or likelihood of leading a good and useful life after release".*

6. The legislation contains no right of appeal from a decision of the PRC. So Miss Bradley (like Mr Webster and Mr Singleton before her) is seeking Judicial Review of the PRC's decision. She alleges an error of law, procedural irregularity, irrationality and ***Wednesbury*** unreasonableness.

The Parole Criteria

7. The legislation is silent on the criteria that the PRC is to adopt when considering applications and does not contain any provision for guidance to be given to the PRC.

8. In 2003 the PRC in consultation with Her Majesty's Procureur, the Prison Governor and the Chief Probation Officer undertook a full audit of the local parole legislation and practice. A copy of the audit report was forwarded to the President of the Advisory and Finance Committee and later published in Billet d'Etat XVI of 2003 as an appendix to a Policy Letter proposing amendments to the legislation.

9. In the report the PRC said:

> *"Parole is a form of discretionary release which includes a period of supervision in the community under licence conditions. Before recommending early release on licence, the Committee takes into account, as a basis for best practice, the directions issued by the Parole Board for England and Wales, that is whether:*
>
> *(1) The safety of the public will be placed unacceptably at risk. In assessing such risk the Board shall take into account:*
>
> *(a) the nature and circumstances of the original offence;*
> *(b) whether the prisoner has shown by his attitude and behaviour in custody that he is willing to address his offending behaviour by understanding its causes and its consequences for the victims concerned, and has made positive effort and progress in doing so;*
> *(c) in the case of a violent or sexual offender – whether the prisoner has committed other offences of sex or violence, in which case the risk to the public of release on licence may be unacceptable;*
> *(d) that a risk of violent or sexual offending is more serious than a risk of other types of offending.*
>
> *(2) The longer period of supervision that parole would provide is likely to reduce the risk of further offences being committed.*

(3) The prisoner is likely to comply with the conditions of his licence.

(4) The prisoner has failed to meet the requirements of licensed supervision, temporary release or bail on any previous occasion and, if so, whether this makes the risk of releasing him on licence unacceptable.

(5) The resettlement plan will help secure the offender's rehabilitation.

(6) The supervising officer has prepared a programme of supervision and has recommended specific licence conditions.

10. The factors set out in paragraphs (1) to (6) are referred to by the PRC as "the parole criteria". The States were not asked to approve them: the significance of their publication in the Billet is that it brought them into the public domain. They are also set out in a booklet published by the PRC entitled "Parole – Your Questions Answered" which is available to prisoners and to which I refer later.

11. In its reasons for refusing parole the PRC said "*the Committee was not persuaded that Miss Bradley satisfied the criteria for parole at this time .....*". Advocate Mallett, on behalf of the Applicant, argued that the PRC should not have adopted the parole criteria because they are based upon directions of the Parole Board in England and Wales. She relied upon the final sentence of paragraph 14 of Bailiff Carey's Judgment in ***Webster*** in which he said:

> *"In my judgment it was totally unsound to try and borrow from the guidance given in England when reaching decisions for early release in Guernsey, such decisions being based on considerations other than maintaining consistency, without having any statutory authority for adopting that guidance".*

12. Advocate McMahon, for the PRC, argued that Advocate Mallett had taken that sentence out of context and had thereby misinterpreted it.

13. As Bailiff Carey explained in ***Webster***, the principal motivation for introducing a system of parole in Guernsey was to avoid the unfairness if prisoners held in the Guernsey prison were not able to apply for parole when prisoners transferred to English prisons were able to do so. Unsurprisingly, the Guernsey parole system was largely modelled on the English system. However, there were differences including that the Guernsey legislation contained no provision for guidance to be set out for the PRC whereas in England there is a statutory duty on the Home Secretary to give guidance, albeit in the widest and most general terms, to the Parole Board as to how it is to discharge its duties. In an affidavit produced to the court in support of its decision in ***Webster***, the Chairman of the PRC explained that:

> *"the Parole Review Committee attempts to keep abreast of developments in the law and practice relating to making parole decisions as and when*

recommendations are made by prison and probation authorities in the United Kingdom. In this way its decision making is broadly consistent with that of other jurisdictions in so far as there is a comparable position in Guernsey"

14. In ***Webster*** the PRC had adopted the content of an English Probation Circular numbered 42/2003. Bailiff Carey, in his Judgment, stated that he could see the logic in the PRC looking over its shoulder at the English system in the early days of parole review but criticised the PRC for seeking to be guided by Home Office circulars to the English Probation Service. He considered the Guernsey system needed to develop with the benefit of local input and guidance.

15. I do not read the Judgment in ***Webster*** as containing any criticism of the PRC for adopting the parole criteria. The criteria were not expressly mentioned in ***Webster*** and it may be that Bailiff Carey's attention was not drawn specifically to them although it is likely he was aware of them because he referred to the PRC's audit report in paragraph 19 of his Judgment.

16. I can understand Bailiff Carey's reasons for criticising the adoption by the PRC of specific guidance that was not directed to the Parole Board and which may not be relevant or appropriate in this jurisdiction. I do not read his Judgment as having held that it was wrong for the PRC to have followed the general guidance that led the PRC to decide to adopt the parole criteria. In any event I consider it was within the powers of the PRC to adopt criteria that assist it in reviewing applications with the intention, no doubt, of ensuring that all applications are considered fairly and in a consistent manner. The PRC is not to be criticised for looking to a parole system established elsewhere and England was the natural and logical jurisdiction to look at as our system was broadly based on the English system and also because of the desire to ensure that there was no unfairness in the treatment of prisoners who transferred between the two jurisdictions.

17. As I have said, the parole criteria are not specifically mentioned in the ***Webster*** judgment and it is possible they were not given detailed consideration by Sir de Vic Carey. So I was invited by Advocate McMahon to consider whether the criteria are reasonable. In my judgment, the guidelines the PRC has adopted are reasonable and could not be challenged on ***Wednesbury*** principles. Furthermore, there is nothing in the criteria to suggest that additional factors would not be taken into consideration if it were reasonable and appropriate to do so in a particular case. If the criteria had been adopted secretly, there might be grounds for challenging them. However, they have been published both in a Billet and in a booklet which is available to prisoners.

Procedural Irregularity

18. The Applicant argued that the decision of the PRC should be set aside because of a procedural irregularity namely that she was not made aware of the parole criteria before her application was considered. The booklet produced by the PRC entitled "Your Questions Answered – Information for Prisoners Applying for Parole" was only given to her after her application had been

rejected. Consequently, she argued that she was unaware of the case that she had to meet. The PRC accepted that the Applicant did not see the booklet until after the application had been rejected.

19. Advocate Mallett cited the case of *Secretary of State for the Home Department –v- Sittampalam Thirukumar and Others [1989] IMM AR 402*, a decision of the Court of Appeal on appeal from the Divisional Court, in which Sri Lankan Tamils claimed political asylum on arrival in the UK, but after investigation of their claims their applications were refused and they were refused leave to enter the country. Bingham LJ (as he then was) in a judgment with which Lord Donaldson MR and Mann LJ both agreed said that:

> *"asylum decisions are of such moment that only the highest standards of fairness will suffice. I am persuaded…that if an opportunity to make representations is to be meaningful the mind of the applicant must be directed to the considerations which will, as matters stand, defeat his application"….*

20. He went on to say that he was not intending to make any general statement about natural justice or procedural propriety but simply to indicate what, in the peculiar circumstances of such cases, fairness seemed to require.

21. Advocate Mallett also relied on *Roberts v Parole Board [2005] UKHL 45* where the Parole Board in England had held that certain sensitive material put before it by the Home Secretary should be withheld from a claimant seeking release on licence and his solicitor and be disclosed only to a specially appointed advocate. The House of Lords reviewed a large number of cases relating to procedural fairness. Lord Bingham (as he now was) at paragraph 16 cited with approval what Upjohn LJ had held in *Official Solicitor v K [1962] 3 All ER 1000 at 1008 1009, sub nom Re K (infants) [1962 Ch 381 at 405/406:*

> *"It seems to be fundamental to any judicial enquiry that a parent or other properly interested party must have the right to see all the information put before the Judge, to comment on it, to challenge it, and if it needs be to combat it, and try to establish by contrary evidence that it is wrong. It cannot be withheld from him in whole or in part. If it is so withheld and yet the Judge takes such information into account in reaching his conclusion without disclosure to those parties who are properly and naturally vitally concerned, the proceedings cannot be described as judicial".*

22. The factual information placed before the PRC was contained in a dossier that the Applicant saw and commented on. Her written comments were then added to the dossier before it was considered by the PRC. She therefore had the opportunity to see all the factual information put before the PRC and to seek to correct anything with which she disagreed.

23. The question for me is whether the procedure was unfair because she was not made aware of the parole criteria. As I mentioned above, the parole criteria

were not kept secret by the PRC. They had been published in a Billet d'Etat and are set out in the PRC's own booklet. The Applicant argued, and it is not denied, that she had not seen either the Billet or the booklet. In an affidavit filed by the Chairman of the PRC, he gave evidence that on her admission into the prison, the Applicant had received an information booklet prepared by the prison authorities which states on page 32 (of 49 pages) *"a booklet telling you more about parole is available on application"*. Advocate Mallett stated that the Applicant either had not read that page or had forgotten about it. More significantly, in my view, in order to start the application process the Guernsey Prison Service supplied the Applicant with a document entitled "Notification to Inmate of Eligibility to Apply for Parole" which she received, as is indicated by her signature on 23 June 2005. The document contains the following sentence:

> *"You therefore have a period of one month to prepare your written application and it may be helpful if you discuss this with your Personal Officer and Probation Officer".*

The Applicant apparently declined that invitation and instead decided to prepare her parole application without any assistance.

24. I should mention that the Chairman of the PRC in his affidavit stated that, from conversations with Probation Officers and others, he would be surprised if the Applicant was genuinely unaware of the existence of the booklet. I attach no weight to those remarks. The Applicant has a serious hearing impairment and although she has a device to assist her hearing it has not been functioning throughout her time in the prison and she has been without it when it has had to be sent back to England for repair. She has participated in the activities and courses available to her in the prison and has befriended other prisoners but we are told that she tends to spend a lot of time in her cell writing letters, listening to music or watching TV. There is no direct evidence that she has participated in conversations with other prisoners regarding parole. I have therefore disregarded the Chairman's remarks.

25. I note that the PRC has no obligation to inform prisoners of their eligibility for parole. Under Section 2(a) of the 1989 Law, it is the Home Department (formerly the States Prison Board) which is required to refer cases to the PRC.

26. In my view the principles of natural justice and procedural fairness required the PRC to inform the applicant of the contents of the dossier and to give her an opportunity to comment on it but I am not persuaded that the PRC has a duty to ensure that an applicant for parole is expressly informed of the parole criteria before his or her application is considered. Assistance was available to the Applicant in making her application but she chose not to ask for any help. The parole criteria have been published and she could have obtained them if she had asked. There are therefore no grounds for setting aside the decision for procedural unfairness.

Reasons for the decision

27. The Applicant argued that the PRC did not clearly set out the reasons for its decision, did not set out clearly the criteria for parole and did not relate the issues or circumstances taken into account to each of the criteria so identified. The Applicant relied upon the case of *R v Housing Benefit Review Board of South Tyneside Metropolitan Borough Council ex-parte Tooley COD143*. Housing benefit regulations required the chairman of the Housing Benefit Review Board to record in writing all its decisions, including a statement of the reasons and the Board's findings on material questions of fact. The Parole Review Committee Ordinance 1991 similarly requires the PRC to record a statement of the reasons for its decisions in writing and to serve a copy of that document on the prisoner. The PRC did so in a document headed "Decision and Reasons" dated 3 November 2005. The issue is whether its reasons were adequate.

28. In *Tooley*, Mr Justice *Ognall* approved a passage in the Judgment of *Hutchison J in R v Sefton Metropolitan Borough Council ex-parte Cunningham (1991) 23HLR534:*

> *"the provisions of the regulations as to the duty to give reasons are clear. In a context such as this it is plain on authority that the reasons need not be elaborate; they need not be the sort of reasons that one would expect to find, for example, in a judgment of the court, but they should be sufficient to enable the parties to appreciate that the relevant matters had been taken into consideration and to understand why it is that they have succeeded or failed as the case may be".*

29. Similarly in *R v Housing Benefit Review Board for East Devon DC ex-parte Gibson and Gibson (1993 25HLR48*), the learned Master of the Rolls said:

> *"it must be recalled that the review body is a lay body, whether or not it has a legal clerk, and its reasons cannot fairly be required to display the skills which a legal draughtsman would be expected to bring to them. It is enough if they convey the substance of the Review Board's decision and the reasons for it however inexpertly these are set out".*

30. Likewise, the PRC is a lay body with some part-time administrative support but no legally qualified clerk. So, it is enough if the reasons it gives for its decisions are sufficient to enable the applicant to appreciate that the relevant matters have been considered and to understand why she has failed. In this case I am satisfied that the PRC did what was required of it. The notification it sent to the Applicant set out the matters it had taken into consideration and, in the conclusion, explained the reasons for the decision. The PRC wrote:

> *"The Committee was not satisfied that Ms Bradley had fully addressed the issues surrounding her drug misuse at this time. It recognised the positive step that Ms Bradley had made towards achieving her goal of remaining drug free by making release plans away from her old lifestyle and*

acquaintances, however, the Committee was not persuaded that Ms Bradley fully appreciates the risk to her personally and the community in general should she return to drug misuse.

The Committee considered that there was insufficient evidence to demonstrate that Ms Bradley had acquired and would be able to put into practice, the skills necessary to avoid drug misuse and re-offending on release.

The Committee was not persuaded that Ms Bradley satisfied the criteria for parole at this time, or that the potential benefits of a period of supervision on parole licence outweighed the risk to the community and possible risk of re-offending and drug misuse".

31. I am satisfied that the reasons given are sufficient to enable the Applicant to appreciate why her application failed and to understand the reasons for it.

Meaning of "Community"

32. When considering parole applications, the PRC balances the risk to the community with the benefit for the prisoner of being released early. In the present case the PRC decided that it was not persuaded that the potential benefits for the Applicant of a period of supervision on parole licence outweighed the risk to the community and possible risk of re-offending and of drug misuse. Advocate Mallett argued that the PRC should have considered the risk to Guernsey only and not the wider community. She said the Applicant posed no risk to the Guernsey community because she intended to return to England and re-settle with her daughter and partner in Burnley. Advocate McMahon on the other hand said the PRC interpret "the community" in its broadest sense as including everyone who is not confined in prison.

33. I note that "the community" is not a statutory term and does not need to be interpreted as such. I consider it is not unreasonable for the PRC to take account of the risk to the broader community. On the contrary, the PRC would be open to criticism if parole was granted to a prisoner who said he intended to leave the Island and was not granted to another prisoner in otherwise identical circumstances simply because he intended to remain in Guernsey.

Further Steps

34. Another complaint of the Applicant is that there was nothing further that she could do to satisfy the PRC that she was suitable for parole because she had already satisfactorily completed the courses on offer to her within the prison. That is not a ground on which this application for Judicial Review can succeed. If the Applicant wishes to reapply for parole at a future date she must address those matters in which the PRC found her to be lacking. She can discuss with the prison officers and with the Probation Service whether they can assist in any way. If they are unable to assist, she must address these

issues by herself. It is not the responsibility of the PRC to assist the Applicant to prepare for a further application.

Unreasonableness

35. The Applicant contends that the decision of the PRC was unreasonable, in the *Wednesbury* sense, in respect of a number of matters whether taken individually or collectively. The matters relied upon are set out in paragraphs 17 – 27 of the Cause and include the matters already considered in this Judgment. I have considered each of these matters to decide whether the PRC acted irrationally and perversely in the *Wednesbury* sense or reached a decision *"so absurd that no sensible person could ever dream that it lay within the powers of"* the PRC per Beloff JA in *Walters v The States Housing Authority*, 23 July 1997, in the Guernsey Court of Appeal.

36. The Applicant sought to persuade me that the PRC unreasonably placed undue weight on the seriousness of the offence she had committed. The remarks to which the Applicant objects are *"in reaching its conclusion the Committee noted the seriousness of the index offence and sought to balance this with Ms Bradley's conduct and attitude whilst in custody*". Miss Mallett argued that the seriousness of the offence had already been taken into account in the sentence imposed by the Royal Court. She inferred that the PRC regarded it as sufficiently serious to justify refusal of parole and thereby effectively sentenced the Applicant for a second time. I do not draw the same inference. One of the parole criteria is *"the nature and circumstances of the original offence"* and, as I have already said, it is not *Wednesbury* unreasonable for the PRC to take that into account. In his affidavit filed in connection with these proceedings, the Chairman of the PRC stated that he:

> *"fails to see how the Parole Review Committee can do anything other than note the offence for which the prisoner is serving a sentence of imprisonment and putting it into context and making the assessment it considers it must make when determining whether to grant early release on licence".*

37. I agree that is entirely appropriate and I do not read the PRC's decision as suggesting that it has done any more than the Chairman says. I do not agree that it can be said that the Applicant has received a double punishment.

38. In paragraph 19 of the Cause the Applicant pleaded that the PRC placed undue weight on a single incident where the Applicant was alleged to have made light of concerns about her relapsing into drug misuse upon her release. This is a reference to an incident described by the Residential Senior Officer in a report contained in the dossier in the following terms:

> *"During her sentence plan review held in August 2005, concerns about her relapsing into drug use upon her release were revised. Pat appeared to make light of this, which was not seen as being realistic".*

39. The Applicant made no comments on that observation when she was invited to comment on the dossier. It is not the only such reference in the dossier to her attitude to re-offending. The Chaplin wrote "*I wonder whether the pressure to re-offend would prove too great".* The dossier also showed that the Applicant was heavily addicted prior to her arrest. The Probation Report stated that *"at the time of her arrest she reports using 1¾ grams of heroin per day"* and goes on to say that her withdrawal symptoms were considerable when she underwent an intense detoxification programme after her admission. The PRC recognised the positive steps that the Applicant had taken towards achieving her goal of remaining drug free. In my view there was sufficient evidence to justify the PRC's conclusion that it was not persuaded that the Applicant fully appreciated the risk to her personally and the community in general should she return to drug misuse.

40. The Applicant argued that the PRC wrongly took into account that the Applicant had served 18 months in prison in the UK after being convicted of drug trafficking in 1993. Miss Mallett said that the Royal Court when sentencing attached no weight to this conviction as the only information available to the court about the conviction was through the Applicant's own admission contained in the Probation Report. The PRC would not have known whether the sentencing court had or had not taken that into account as they had not received the court's Sentencing Remarks. However, in my judgment, it was not unreasonable for the PRC to take account of the conviction when considering her personal background circumstances.

41. The PRC incorrectly wrote that she had served 18 months when in fact she was sentenced to 18 months and only served half that time. That error does not, in my view, undermine the PRC's decision. The relevance was that she had a previous conviction for drug trafficking in the mid 1990's. Her conviction in Guernsey was therefore her second conviction for a drug trafficking offence and it was reasonable for the PRC to take that into account.

42. The Applicant also argued that the PRC unreasonably failed to place any sufficient weight on a number of factors including: her successful participation in a Drug Concern course; her proposal to establish a new lifestyle in a new town away from her old acquaintances; and the benefits of a period under supervision on parole. The report of the PRC indicated that it took account of these factors but, nevertheless, when carrying out the balancing exercise it is required to carry out, was not satisfied it was appropriate to grant parole, for the reasons stated in the conclusions to the report. Again, I do not consider their decision to be irrational or otherwise ***Wednesbury*** unreasonable.

43. Even when all the matters which are said to be unreasonable are considered together they do not justify the setting aside of the decision on grounds of unreasonableness.

44. The PRC's decision concluded by saying it agreed to review the Applicant's application for Parole in July 2006. In fact, that is the latest date on which the PRC can review the application under the provisions of Section 3A(a) of the

Ordinance. If there exceptional circumstances, the Applicant may apply earlier under Section 3A(b).

45. In conclusion I refuse leave to apply for Judicial Review.

46. I am very grateful to both Counsel for the clear and concise manner in which they have presented their arguments, both in writing and orally.

