

## Permission to Appeal results – February 2014

Case name	Justices	PTA	Reasons given
Pendragon plc and others (Respondents) <i>v</i> The Commissioners for Her Majesty's Revenue and Customs (Appellant) UKSC 2013/0197	Lord Kerr Lord Wilson Lord Reed	Granted 30 Jan 2014	
In the matter of an application by JR38 for Judicial Review (Northern Ireland) UKSC 2013/0181	Lord Kerr Lord Wilson Lord Reed	Granted 31 Jan 2014	
R (on the application of JB (Jamaica)) (Respondent) <i>v</i> The Secretary of State for the Home Department (Appellant) UKSC 2013/0162	Lady Hale Lord Sumption Lord Carnwath	Granted 31 Jan 2014	
Flores (nee Gavin) and another (Appellant) <i>v</i> Community Housing Association Ltd (Respondent) UKSC 2013/0149	Lord Kerr Lord Carnwath Lord Toulson	Refused 4 Feb 2014	Permission to be appeal BE REFUSED because the application does not raise an arguable point of law.
R <i>v</i> JFJ UKSC 2013/0180	Lord Kerr Lord Wilson Lord Reed	Refused 4 Feb 2014	Permission to appeal BE REFUSED because the application does not raise an arguable point of law of general public importance which ought to be considered by the Supreme Court at this time bearing in mind that the case has already been the subject of judicial decision and reviewed on appeal.
Watson (Appellant) <i>v</i> Sadiq and another (Respondent) UKSC 2013/0231	Lord Kerr Lord Wilson Lord Reed	Refused 4 Feb 2014	Permission to appeal be REFUSED because the application does not raise an arguable point of law.
Foye (Appellant) <i>v</i> The Director of Public Prosecutions (Respondent) UKSC 2013/0157	Lord Kerr Lord Wilson Lord Reed	Refused 4 Feb 2014	Permission to appeal BE REFUSED because the application does not raise an arguable point of law of general public importance which ought to be considered by the Supreme Court at this time bearing in mind that the case has already been the subject of judicial decision and reviewed on appeal.
In the matter of an application by Michael Sherrie for Judicial Review (Northern Ireland) UKSC 2013/0214	Lord Kerr Lord Wilson Lord Reed	Refused 4 Feb 2014	Permission to appeal BE REFUSED because the application does not raise an arguable point of law of general public importance which ought to be considered by the Supreme Court at this time bearing in mind that the case has already been the subject of judicial decision and reviewed on appeal.
Gilroy (AP) (Appellant) <i>v</i> Her Majesty's Advocate (Respondent) UKSC 2013/0103	Lord Neuberger Lady Hale Lord Kerr Lord Reed	Refused 6 Feb 2014	Permission to appeal BE REFUSED for the reasons attached to the order.

	Lord Hodge		
Beghal (Appellant) <i>v</i> Director of Public Prosecutions (Respondent) UKSC 2013/0243	Lord Neuberger Lady Hale Lord Kerr	Granted 6 Feb 2014	
Secretary of State for Communities and Local Government (Appellant) <i>v</i> San Vicente and another (Respondent) UKSC 2013/0189	Lord Neuberger Lord Carnwath Lord Toulson	Refused 11 Feb 2014	Permission to appeal BE REFUSED because the application does not raise an arguable point of law.
The Commissioners for Her Majesty's Revenue and Customs (Respondent) <i>v</i> DV3 RS Limited Partnership (Appellant) UKSC 2013/0204	Lord Neuberger Lord Carnwath Lord Toulson	Refused 11 Feb 2014	Permission to appeal BE REFUSED because the application does not raise an arguable point of law of general public importance.
Trustees of Coventry School Foundation (Respondent) <i>v</i> Whitehouse and others (Appellants) UKSC 2013/0191	Lord Neuberger Lord Carnwath Lord Toulson	Refused 11 Feb 2014	Permission to appeal BE REFUSED because the application does not raise an arguable point of law of general public importance which ought to be considered by the Supreme Court at this time. While some of the remarks in the judgment of Mummery LJ may go further than is justified so far as what can constitute a nuisance, the decision of the Court of Appeal is right and this is not a suitable case for an appeal to the Supreme Court.
Arnold (Respondent) <i>v</i> Britton and others (Appellants) UKSC 2013/0193	Lord Neuberger Lord Carnwath Lord Toulson	Granted 11 Feb 2014	
Jetivia SA and Another (Appellants) <i>v</i> Bilta (UK) Limited and Others (Respondents) UKSC 2013/0206	Lord Neuberger Lord Carnwath Lord Toulson	Granted 11 Feb 2014	
RS (Brazil) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2013/0168	Lady Hale Lord Toulson Lord Hodge	Refused 11 Feb 2014	Permission to appeal BE REFUSED because the application does not raise an arguable point of law. In relation to the point of European Union law said to be raised by or in response to the application it is not necessary to request the Court of Justice to give any ruling, because the answer is so obvious as to leave no scope for any reasonable doubt.
Collins (Appellant) <i>v</i> Secretary of State for Communities & Local Government and Another (Respondents) UKSC 2013/0241	Lady Hale Lord Toulson Lord Hodge	Refused 14 Feb 2014	Permission to appeal BE REFUSED because the application does not raise a point of law of general public importance. The substantive law is well-settled in ZH (Tanzania) & H(H). Albeit applied in a different context, the construction of the merits in the decisions below was careful and the Panel cannot envisage a different result being reached.
Chishimba (Respondent) <i>v</i> Royal Borough of Kensington and Chelsea (Appellant) UKSC 2013/0107	Lady Hale Lord Toulson Lord Hodge	Refused 14 Feb 2014	Permission to appeal BE REFUSED because the application does not raise an arguable point of law. The Panel agree with the Respondent that the application mischaracterises the reasons given in the Court of Appeal. But the Panel would not want to be taken necessarily to approve the last sentence in paragraph 14 of the Court of Appeal's judgment.

SS (Nigeria) (AP) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2013/0183	Lady Hale Lord Toulson Lord Hodge	Refused 14 Feb 2014	Permission to appeal BE REFUSED because the application does not raise a point of law of general public importance. The substantive law has been well-settled in ZH (Tanzania) and H(H). This is not a suitable case in which to raise the Tanizary issue.
R (on the application of IM (Nigeria) (AP) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2013/0275	Lady Hale Lord Toulson Lord Hodge	Refused 14 Feb 2014	Permission to appeal BE REFUSED. The Panel considers that the Court of Appeal was right to hold that the Secretary of State has power to detain a person in hospital under the Immigration Act without ordering a transfer under section 48 of the Mental Health Act; paragraph 55.10 of the Enforcement Instructions and Guidance does not deal with that situation and there may be a point of law of general public importance as to whether the Secretary of State's policy is required to be comprehensive; but the Panel does not consider that this is a suitable case in which to explore that issue, given the decisions taken on the facts in the courts below.
AA (Afghanistan) (AP) (Appellant) <i>v</i> The Secretary of State for the Home Department (Respondent) UKSC 2013/0196	Lady Hale Lord Toulson Lord Hodge	Refused 21 Feb 2015	Permission to appeal BE REFUSED because the application does not raise a point of law which ought to be considered by the Supreme Court at this time.
West Midlands Travel Ltd (Appellant) <i>v</i> Aviva Insurance UK Ltd (Respondent) UKSC 2013/0192	Lord Mance Lord Sumption Lord Hughes	Refused 21 Feb 2014	Permission to appeal BE REFUSED because the application does not raise an arguable point of law which ought to be considered by the Supreme Court at this time bearing in mind that the case has already been the subject of judicial decision and reviewed on appeal. The Court of Appeal have correctly identified the principles, and applied them in a way not open to criticism on the facts of this case.
Riley (Appellant) <i>v</i> The Crown Prosecution Service (Respondent) UKSC 2013/0260	Lord Mance Lord Sumption Lord Hughes	Refused 21 Feb 2014	Permission to appeal BE REFUSED because the application does not raise an arguable point of law of general public importance which ought to be considered by the Supreme Court at this time bearing in mind that the case has already been the subject of judicial decision and reviewed on appeal and bearing in that, whichever test is adopted ( <i>Wednesbury</i> or simple fairness), the Employment Tribunal and Employment Appeals Tribunal determined it against the application of the facts.
China Offshore Oil (Singapore) International PTE Ltd (Appellant) <i>v</i> Vitol Asia PTE Ltd (Respondent) UKSC 2013/0201	Lord Mance Lord Sumption Lord Hughes	Refused 21 Feb 2014	Permission to appeal BE REFUSED because the application does not raise a point of law of general public importance which ought to be considered by the Supreme Court at this time bearing in mind that the case has already been the subject of judicial decision and reviewed on appeal.
R (on the applicaton of Hemming (t/a Simply Pleasure Ltd) and others) (Respondents) <i>v</i> Westminster City Council (Appellant) UKSC 2013/0146	Lord Mance Lord Sumption Lord Hughes	Granted 21 Feb 2014	
JSC BTA Bank (Appellant) <i>v</i> Ablyazov (Respondent) UKSC 2013/0203	Lord Mance Lord Sumption Lord Hughes	Granted 21 Feb 2014	