

Permission to Appeal results – March 2013

Case name	Justices	PTA	Reasons given
R (on the application of EM (Eritrea)) (EH (FC) (Appellant)) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2012/0272	Lord Hope Lord Kerr Lord Reed	Granted in part 6 Mar 2013	Permission to appeal be granted on the issue relating to Article 3 ECHR.
R (on the application of EM (Eritrea)) (MA (FC) (Appellant)) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2012/0273		Refused in MA 6 Mar 2013	Permission to appeal be refused on MA's request for permission under Article 8 for the reasons given by the Court of Appeal.
R (on the application of EM (Eritrea)) (FC) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2012/0274			
R (on the application of EM (Eritrea)) (AE (FC) (Appellant)) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2012/0275			
Perera (Appellant) <i>v</i> Grunwick Processing Laboratories Limited (t/a Bonus Print) (in administration) (Respondent) UKSC 2012/0241	Lord Walker Lord Clarke Lord Sumption	Refused 8 Mar 2013	Permission to appeal be refused because the application does not raise an arguable point of law of general public importance.
Spencer and others (Appellants) <i>v</i> Secretary of State for Defence (Respondent) UKSC 2012/0251	Lord Walker Lord Clarke Lord Sumption	Refused 8 Mar 2013	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; this is a one-off point of construction on which the courts below were unanimous.
R (on the application of AA) (FC) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2013/0032	Lady Hale Lord Wilson Lord Carnwath	Granted 8 Mar 2013	

Tinkler and another (Respondents) <i>v</i> Elliott (Appellant) UKSC 2012/0242	Lady Hale Lord Wilson Lord Carnwath	Refused 8 Mar 2013	Permission to appeal be refused because the application does not raise an arguable point of law of general public importance, and the Supreme Court does not review the application of settled law to the facts.
R (on the application of Preston) (Appellant) <i>v</i> The Lord President of the Council (Respondent) UKSC 2012/0253	Lord Neuberger Lord Mance Lord Clarke	Refused 11 Mar 2013	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 raised by or in response to the application it is not necessary to request the Court of Justice to give any ruling, because the Court's existing jurisprudence already provides a sufficient answer.
Sullivan (aka Soloman) (Appellant) <i>v</i> Bristol Film Studios Limited (Respondent) UKSC 2012/0186	Lord Neuberger Lord Mance Lord Clarke	Refused 11 Mar 2013	Permission to appeal be refused because the application does not raise an arguable point of law of general public importance.
Commissioners for Her Majesty's Revenue and Customs (Appellant) <i>v</i> FCE Bank plc (Respondent) UKSC 2012/0246	Lord Hope Lord Kerr Lord Reed	Refused 12 Mar 2013	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.
Winfield (Appellant) <i>v</i> Secretary of State for Communities and Local Government (Respondent) UKSC 2012/0260	Lady Hale Lord Wilson Lord Reed	Refused 14 Mar 2013	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 application of Francis) (FC) (Appellant) <i>v</i> The Secretary of State for Justice and another (Respondent) UKSC 2012/0244	Lord Hope Lord Kerr Lord Reed	Refused 18 Mar 2013	Permission to appeal be refused because the application does not raise an arguable point of law of general public importance bearing in mind that this case turns very much on its own facts.
Rahman (Appellant) <i>v</i> GMAC Commercial Finance Limited (Respondent) UKSC 2012/0269	Lord Neuberger Lord Mance Lord Clarke	Refused 20 Mar 2013	Permission to appeal be refused because the application does not raise an arguable point of law of general public importance and in relation to the point of European Union law raised by or in response to the application it is not necessary to request the Court of Justice to give any ruling, because the question raised is irrelevant.
Dunhill (a protected party by her litigation friend Tasker) (Respondent) <i>v</i> Burgin (Appellant) UKSC 2012/0136	Lord Hope Lord Clarke Lord Wilson	Granted 20 Mar 2013	
R (on the application of West London Vocational Training College) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2013/0040	Lord Hope Lord Clarke Lord Wilson	Granted 20 Mar 2013	
Aviva Insurance Limited (Appellant) <i>v</i> Hackney Empire Limited (Respondent)	Lord Neuberger Lord Sumption	Refused 25 Mar 2013	Permission to appeal be refused because the first two points raise no arguable issue of law. The third point, while of importance, will not arise in these

UKSC 2013/0027	Lord Reed		circumstances.
R (on the application of Whiston) (FC) (Appellant) <i>v</i> Secretary of State for Justice (Respondent) UKSC 2012/0279	Lord Neuberger Lord Sumption Lord Reed	Granted 25 Mar 2013	
Miah (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2013/0041	Lord Hope Lord Clarke Lord Wilson	Refused 25 Mar 2013	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.
R (on the application of YK (Afghanistan)) (by his litigation friend Kamaljit Sandhu) (FC) (Appellant) <i>v</i> Birmingham City Council (Respondent) UKSC 2013/0016	Lady Hale Lord Kerr Lord Carnwath	Refused 25 Mar 2013	Permission to appeal be refused because this application does not raise a question of law of general public importance which ought to be considered by this Court at this time. However, in connection with how unnecessary conflicts between two statutory regimes (in this case services under the Children Act 1989 and asylum adjudication) might be resolved, the parties' attention is drawn to the following cases which appear potentially relevant: <i>R v Secretary of State for Home Department Ex p Danaei</i> [1997] EWCA Civ 2704, <i>R v Cardiff County Council Ex p Sears Group Properties Ltd</i> [1998] PLCR 262; <i>R(Bradley) v Secretary of State for Work and Pensions</i> [2009] QB 114 (CA) paragraph 70.
R (on the application of MM) (Appellant) <i>v</i> The Secretary of State for the Home Department (Respondent) UKSC 2012/0271	Lord Hope Lord Clarke Lord Wilson	Refused 26 Mar 2013	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 for all the reasons given by the Court of Appeal, and with regard to the fifth ground by the majority, in its clear and comprehensive judgment.
In the Matter of I (a Child) (FC) UKSC 2013/0055	Lady Hale Lord Kerr Lord Carnwath	Refused 26 Mar 2013	Permission to appeal be refused because the application does not raise a point of law of general public importance. The judge did have to consider special guardianship and did so adequately.
KA (Afghanistan) (FC) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2013/0026	Lady Hale Lord Kerr Lord Carnwath	Refused 26 Mar 2013	Permission to appeal be refused because the application does not raise an arguable point of law. The Upper Tribunal must have jurisdiction to determine the issue for itself in these circumstances.
SG (Iraq) (FC) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2012/0270	Lady Hale Lord Kerr Lord Carnwath	Refused 26 Mar 2013	Permission to appeal be refused because the application does not raise an arguable point of law. The argument on CPR 52.7 is misconceived. The rest is practice and procedure, which are not matters for the Supreme Court.
Brown (Appellant) <i>v</i> London Borough of Richmond upon Thames	Lady Hale Lord Kerr	Refused 27 Mar 2013	Permission to appeal be refused because the application does not raise an arguable point of law of general public importance. It is difficult to see how

(Respondent) UKSC 2012/0265	Lord Carnwath		the arguments raised here would contribute to resolving the real issue, which has gone back to the trial judge in any event.
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