

Permission to Appeal results – late March, April to early May 2017

Case name	Justices	PTA	Reasons given
PetroSaudi Oil Services (Venezuela) Ltd and another (Respondents) <i>v</i> PDVSA Servicios SA and another (Appellants) UKSC 2017/0029 Neutral Citation No: [2017] EWCA Civ 9 & 32	Lord Neuberger Lord Clarke Lord Reed	Refused 20 Mar 2017	Permission to appeal substantive merits refused but ancillary orders made.
Secretary of State for the Home Department (Respondent) <i>v</i> MA (Somalia) (AP) (Appellant) UKSC 2015/0171 Neutral Citation No: [2015] EWCA Civ 48	Lady Hale Lord Reed Lord Carnwath	Refused 22 Mar 2017	Permission to appeal be refused because the application does not raise an issue of general importance; the matter to be re-determined by the Upper Tribunal in the light of all the up-to-date guidance.
James-Bowen and others (Respondents) <i>v</i> Commissioner of Police for the Metropolis (Appellant) UKSC 2017/0003 Neutral Citation No: [2016] EWCA Civ 1217	Lady Hale Lord Hodge Lord Toulson	Granted 30 Mar 2017	
IT (Jamaica) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2016/0184 Neutral Citation No: [2016] EWCA Civ 932	Lady Hale Lord Hodge Lord Toulson	Granted 30 Mar 2017	Court directed case to be heard with <i>IT (Jamaica) (Appellant) v Secretary of State for the Home Department (Respondent)</i> .
KO (Nigeria) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2016/0107 Neutral Citation No: [2016] EWCA Civ 450	Lady Hale Lord Hodge Lord Toulson	Granted 30 Mar 2017	Court directed case to be heard with <i>IT (Jamaica) (Appellant) v Secretary of State for the Home Department (Respondent)</i> .
WM (Afghanistan) (AP) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2016/0180 Neutral Citation No: [2016] EWCA Civ 662	Lady Hale Lord Hodge Lord Toulson	Refused 30 Mar 2017	Permission to appeal be refused because the application does not raise a point of law of general public importance.

Secretary of State for the Home Department (Respondent) <i>v</i> MM (Jamaica) (AP) (Appellant) UKSC 2016/0058 Neutral Citation No: [2015] EWCA Civ 1239	Lady Hale Lord Hodge Lord Toulson	Refused 30 Mar 2017	Permission to appeal be refused because the application does not raise a point of law of general public importance.
KJ (Angola) (AP) (Appellant) <i>v</i> The Secretary of State for the Home Department (Respondent) UKSC 2016/0193 Neutral Citation No: [2016] EWCA Civ 662	Lady Hale Lord Hodge Lord Toulson	Refused 30 Mar 2017	Permission to appeal be refused because the application does not raise a point of law of general public importance.
Hodson Developments Ltd (Appellant) <i>v</i> Quilter (Respondent) UKSC 2016/0224 Neutral Citation No: [2016] EWCA Civ 1125	Lady Hale Lord Hodge Lord Toulson	Refused 30 Mar 2017	Permission to appeal be refused because the application does not raise an arguable point of law.
Barnardo's (Appellant) <i>v</i> Buckinghamshire and others (Respondents) UKSC 2016/0210 Neutral Citation No: [2016] EWCA Civ 1064	Lord Neuberger Lord Carnwath Lord Hodge	Granted 6 Apr 2017	
Iceland Foods Ltd (Appellant) <i>v</i> Berry (Valuation Officer) (Respondent) UKSC 2016/0226 Neutral Citation No: [2016] EWCA Civ 1150	Lord Mance Lord Sumption Lord Carnwath	Granted 6 Apr 2017	
Goldman Sachs International (Appellant) <i>v</i> Novo Banco SA (Respondent) UKSC 2016/0214 Neutral Citation No: [2016] EWCA Civ 1092 Guardians of New Zealand Superannuation Fund and others (Appellant) <i>v</i> Novo Banco S.A (Respondent) UKSC 2016/0215 Neutral Citation No: [2016] EWCA Civ 1092	Lord Mance Lord Sumption Lord Carnwath	Granted 6 Apr 2017	

<p>Sahin (Appellant) <i>v</i> Riverstone Insurance (UK) Limited (originally known as Brit Insurance) (Respondent) UKSC 2017/0002 Neutral Citation No: [2016] WLR(D) 637</p>	<p>Lord Mance Lord Sumption Lord Carnwath</p>	<p>Refused 10 Apr 2017</p>	<p>Permission to appeal be refused because the application does not raise a point of law of general public importance which ought to be considered at this time bearing in mind that the case has already been the subject of judicial decision and reviewed on appeal. In relation to the point of European 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:</p> <ol style="list-style-type: none"> 1) the Motor Insurance Bureau provided appropriate protection in the present situation as contemplated by Article 2(1) of the Second Motor Directive 84/5/EEC and as stated by the Court of Appeal in paras 22 to 27 of its judgment 2) Independently of that, however, it is not possible to read either the English statutory scheme or the policy wording as providing cover in the present situation 3) There is no relevant point of EU law which is unclear or which requires a reference to the ECJ.
<p>R (British American Tobacco UK Ltd and others) (Appellants) <i>v</i> Secretary of State for Health (Respondent) UKSC 2017/0012 Neutral Citation No: [2016] EWCA Civ 1182</p> <p>R (on the application of JT International SA and another) (Appellants) <i>v</i> Secretary of State for Health (Respondent) UKSC 2017/0013 Neutral Citation No: [2016] EWCA Civ 1182</p>	<p>Lord Mance Lord Sumption Lord Carnwath</p>	<p>Refused 10 Apr 2017</p>	<p>Permission to appeal be refused because the applications do not raise a point of law of general public importance which ought to be considered at this time bearing in mind that the case has already been the subject of judicial decision and reviewed on appeal. In relation to the point of European Law said to be raised by or in response to the applications it is not necessary to request the Court of Justice to give any ruling because the points of EU law said to arise have been thoroughly considered by the court below, which reached conclusions that the Appeal Panel sees no reason to question. The Panel considers it clear, in particular, that there was legislative competence and competence under the ECJ's case law to introduce the relevant provisions, as regards both national and Community trade marks, and that the courts below correctly identified the legal principles relevant to the determination of the applicants' case, including the issues whether the trade marks gave them positive exploitation rights, whether the relevant preventive provisions deprived the applicants of the use of their trade marks or of their substance and essence and/or whether the provisions were (irrespective of whether or not the precautionary principle applied) proportionate, properly balanced, appropriately restrictive and justified as a measure for the protection of public health</p>

<p>Idenix Pharmaceuticals, Inc (Appellant) <i>v</i> Gilead Sciences, Inc (Respondent) UKSC 2016/0216 Neutral Citation No: [2016] EWCA Civ 1089</p>	<p>Lord Neuberger Lord Clarke Lord Reed</p>	<p>Refused 12 Apr 2017</p>	<p>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 at this time.</p>
<p>Hamilton (Appellant) <i>v</i> Secretary of State for Business, Innovation and Skills (Respondent) (Scotland) UKSC 2016/0186 Neutral Citation No: [2016] CSIH 23</p>	<p>Lord Neuberger Lord Clarke Lord Reed</p>	<p>Refused 12 Apr 2017</p>	<p>Permission to appeal be refused because the application does not raise an arguable point of law.</p>
<p>Ras Al Khaimah Investment Authority and others (Appellants) <i>v</i> Bestfort Development LLP and others (Respondents) UKSC 2016/0217 Neutral Citation No: [2016] EWCA Civ 1099</p>	<p>Lord Neuberger Lord Clarke Lord Reed</p>	<p>Refused 24 Apr 2017</p>	<p>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 at this time.</p>
<p>Dooneen Ltd (t/a McGuines Associates) and another (Respondents) <i>v</i> Mond (Appellant) (Scotland) UKSC 2016/0218 Neutral Citation No: [2016] CSIH 59</p>	<p>Lord Neuberger Lord Clarke Lord Reed</p>	<p>Granted 12 Apr 2017</p>	
<p>R <i>v</i> M (Appellant) UKSC 2017/0006 Neutral Citation No: [2016] EWCA Crim 1617</p> <p>R <i>v</i> C (Appellant) UKSC 2017/0007 Neutral Citation No: [2016] EWCA Crim 1617</p> <p>R <i>v</i> T (Appellant) UKSC 2017/0008 Neutral Citation No: [2016] EWCA Crim 1617</p>	<p>Lord Neuberger Lord Clarke Lord Reed</p>	<p>Granted 12 Apr 2017</p>	

<p>R (on the application of Nealon) (Appellant) <i>v</i> Secretary of State for Justice (Respondent) UKSC 2017/0001 Neutral Citation No: [2016] EWCA Civ 355</p> <p>R (on the application of Hallam) (AP) (Appellant) <i>v</i> Secretary of State for Justice (Respondent) UKSC 2016/0227 Neutral Citation No: [2016] EWCA Civ 355</p>	<p>Lord Kerr Lord Wilson Lord Hughes</p>	<p>Granted 12 Apr 2017</p>	
<p>McCarthy (Appellant) <i>v</i> Chief Constable of Merseyside Police (Respondent) UKSC 2017/0004 Neutral Citation No: [2016] EWCA Civ 1257</p>	<p>Lord Kerr Lord Wilson Lord Hughes</p>	<p>Refused 12 Apr 2017</p>	<p>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 at this time bearing in mind that the case has already been the subject of judicial and reviewed on appeal.</p>
<p>BB (Algeria) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2016/0047 Neutral Citation No: [2016] EWCA Civ 25</p>	<p>Lord Kerr Lord Wilson Lord Hughes</p>	<p>Refused 12 Apr 2017</p>	<p>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 at this time bearing in mind that the case has already been the subject of judicial decision and reviewed on appeal.</p>
<p>Gladman Developments Limited (Appellant) <i>v</i> Daventry District Council (Respondent) UKSC 2016/0225 Neutral Citation No: [2016] EWCA Civ 1146 [2015] EWHC 3459</p>	<p>Lord Neuberger Lord Carnwath Lord Hodge</p>	<p>Refused 26 Apr 2017</p>	<p>Permission to appeal be refused because the application does not raise an issue of law of general importance.</p>
<p>Volcafe Ltd and others (Appellants) <i>v</i> Compania Sud Americana De Vapores S.A ("CSA") (Respondent) UKSC 2016/0219 Neutral Citation No: [2015] EWCA 1103</p>	<p>Lord Neuberger Lord Clarke Lord Reed</p>	<p>Granted 3 May 2017</p>	

<p>Pereira (AP) (Appellant) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2016/0207 Neutral Citation No: [2016] EWCA Civ 705</p> <p>NS (Sri Lanka) and others (AP) (Appellants) <i>v</i> Secretary of State for the Home Department (Respondent) UKSC 2016/0187 Neutral Citation No: [2016] EWCA Civ 705</p>	<p>Lord Kerr Lord Wilson Lord Hughes</p>	<p>Granted 3 May 2017</p>	
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