



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

CO/4908/2017

In the matter of an application for Judicial Review

THE QUEEN

on the application of

THE GOOD LAW PROJECT

Claimant

versus

ELECTORAL COMMISSION

Defendant

(1) VOTE LEAVE

(2) DARREN GRIMES

Interested
Parties

**Application for permission to apply for Judicial Review
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the documents lodged by the Claimant and the Defendant;

Order by the Honourable Mrs Justice Lang DBE

1. Permission is hereby refused.
2. The Claimant do have leave to make an application for costs, which should include a schedule of costs incurred, within 21 days of service of this order.
3. The Defendant may respond to any application for costs made by the Claimant, within 14 days of service thereof.
4. The Claimant may reply to the Defendant's response within 14 days of service thereof.
5. Thereafter the application for costs will be put before a Judge to be determined on the papers.

Reasons:

The claim has been overtaken by events as the Defendant decided on 20 November 2017 to undertake an investigation into potential improper referendum spending by Vote Leave. Thus the Defendant's original decision, which formed the basis of the claim for judicial review, will be superseded. Although there remains a dispute between the parties as to the operation of the statutory scheme, and the Claimant's analysis is arguable, this Court will not embark upon an academic examination of the law. If there are grounds to do so, then the Claimant may bring a further claim once the Defendant makes its new decision.

Under its Ground 4, the Claimant argued that it was unreasonable for the Defendant to conclude that there was insufficient information to warrant it opening an investigation into whether there had been joint spending or whether Vote Leave had incurred the relevant expenditure in relation to AIQ.

In its decision to undertake an investigation, the Defendant stated that it commenced an internal review of its previous assessments while responding to the

Claimant's ground 4. In the course of its internal review, new information came to light which persuaded it to change its mind and conclude that there was a reasonable suspicion of offences having been committed, and it was in the public interest to investigate these matters.

In those circumstances the question arises whether the Defendant should pay a proportion of the Claimant's costs of the claim, since the Claimant's ground 4 has prompted the new decision, and to that extent the claim has succeeded. I have made provision for representations to be filed on that issue.

Signed: *Rebecca A. Long* 17.1.18

The date of service of this order is calculated from the date in the section below

Sent / Handed to the Claimant, Defendant and any Interested Party / the Claimant's, Defendant's, and any Interested Party's solicitors on (date):

Solicitors:

18 JAN 2018

Ref No:

ref: PG/3553/001/HB

Notes for the Claimant

If you request the decision to be reconsidered at a hearing in open court under CPR 54.12, you must complete and serve the enclosed FORM (86B) within 7 days of the service of this order. A fee is payable on submission of Form 86B. **For details of the current fee please refer to the Administrative Court fees table at <https://www.gov.uk/court-fees-what-they-are>**. Failure to pay the fee or submit a certified application for fee remission may result in the claim being struck out. The form to make an application for remission of a court fee can be obtained from the Justice website <https://www.gov.uk/get-help-with-court-fees>



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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, by post or in person and be 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 the claim was issued on or after 7 October 2013, a fee is payable on submission of Form 86B. Failure to pay the fee or lodge a certified Application for Fee remission may result in the claim being struck out. The form for Application for Remission of a Fee is obtainable from the Justice website <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>*
3. *If this form has not been lodged within 7 days of service (para 1 above) please set out below the **reasons for delay:***
4. *Set out below the grounds for seeking reconsideration:*

5. *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

FORM 86B