



IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
BEFORE THE HONOURABLE MR JUSTICE FORDHAM

CO/2197/2020

B E T W E E N :-

THE QUEEN
on the application of
THE JOINT COUNCIL ON THE WELFARE OF IMMIGRANTS

Claimant

- and -

THE PRESIDENT OF THE UT(IAC)

Defendant

- and -

THE LORD CHANCELLOR

Interested Party



ORDER

UPON hearing Leading Counsel for the Claimant and Counsel for the Defendant at a remote hearing on 21-22 October 2020 (Recital 1)

AND UPON the Defendant having decided to withdraw paragraphs 9-17 of his Guidance Note of 23 March 2020 (the "Guidance Note"), and having undertaken to do so by 9am on 20 November 2020, for the reasons given by Mr. Justice Fordham in his judgment dated 20 November 2020 [2020] EWHC 3103 (Admin) ("the Judgment") (Recital 2)

AND UPON the Defendant having further undertaken (Recital 3) that:

- (i) In all cases of a UTIAC substantive appeal (as described in paragraph 2.10 of the Judgment) where, between 23 March 2020 and the date of this Order either (a) the appeal has been determined without a hearing and in favour of the Secretary of State for the Home Department ("SSHD") or (b) a UTIAC Judge has decided that the appeal will be determined without a hearing, the Defendant shall use all reasonable endeavours to bring to the attention of the person who is party to the appeal (and who is not the SSHD), in writing: (i) the Judgment (ii) this Order (iii) the statement: "If you have not taken legal advice on your position, you are strongly advised to do so now"; and that
- (ii) The Defendant will by 4pm on Friday 27 November 2020 file and serve a letter stating by what means and in what time-frame he is approaching the discharge of the undertaking at (i) above.

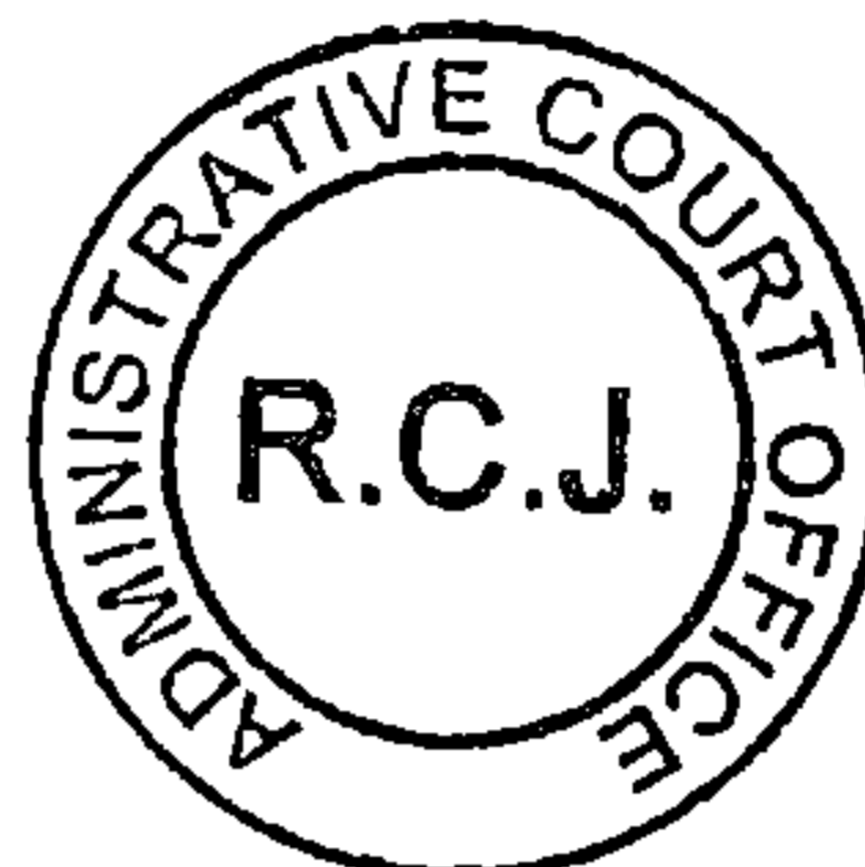
IT IS ORDERED THAT:

1. The Claimant's claim is allowed for the reasons set out in the Judgment.



2. It is declared that paragraphs 9-17 of the Guidance Note of 23 March 2020 are unlawful.
3. The Defendant is to publish the Judgment and this Order on the www.judiciary.uk website as soon as possible following receipt of the sealed Order from the Court.
4. Liberty to the parties to apply on notice in writing for further order or directions regarding the discharge of the undertakings at (i) and (ii) of Recital 3 above.
5. The Defendant pay the Claimant's costs, to be limited to the costs of the Claimant's Counsel team at Attorney General's civil counsel panel rates in accordance with the Order made by Steyn J on 17 August 2020, those costs to be subject to detailed assessment if not agreed.

Michael R.C.J.



Fordham J

DATED the 20th day of November 2020

BY THE COURT

NOTE: Pursuant to CPR Part 40.7(1) this order takes effect from the date it was made. In the light of the Covid-19 pandemic many court staff are working remotely. A sealed order (as required under CPR Part 40.2(2)(b)) is or will be available by liaison with the court office.