

**IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
DIVISIONAL COURT**

**CO/2724/2022 and CO/3259/2022**

**BEFORE LADY JUSTICE MACUR AND MR JUSTICE CHAMBERLAIN**

**BETWEEN**

**The King, on the application of**

**(1) ADRIAN JOHN BAILEY  
(2) PERRY MATTHEW MORRIS**

**Claimants  
(joined for hearing)**

**-and-**

**THE SECRETARY OF STATE FOR JUSTICE**

**Defendant**

**-and-**

**THE PAROLE BOARD FOR ENGLAND AND WALES**

**Interested Party**

---

**ORDER**

---

**UPON** the Court having heard from counsel for each of the parties on 1 and 2 March 2023

**AND UPON** the handing-down of judgment ([2023] EWHC 555 (Admin)) on 15 March 2023

**AND UPON** hearing counsel for each of the parties on 4 April 2023

**AND UPON** the Secretary of State indicating by counsel that there is no application to this Court for permission to appeal against the decision of 15 March 2023

**AND UPON** the handing down of judgment ([2023] EWHC 821 (Admin)) on 5 April 2023

**AND UPON**, pursuant to CPR 81.6, the Court considering that a contempt of court may have been committed

**IT IS ORDERED** as follows:

1. The claim for judicial review is allowed on grounds 1, 4 and 6 to the extent set out in the court's judgment of 15 March 2023.
2. The claim is otherwise dismissed.

**AND IT IS DECLARED** as follows:

3. The decision of the Secretary of State to introduce rule 2(22) of the Parole Board (Amendment) Rules (SI 2022/717) was unlawful.
4. The Guidance issued by the Secretary of State in July 2022 and October 2022 (as identified in paragraphs 62 and 69 of, and Annexes A and B to the judgment) is unlawful.
5. The law of contempt of court applies to proceedings before the Parole Board.
6. The Parole Board does not itself have power to punish contempt but may refer a case of alleged contempt to the High Court for proceedings under CPR Part 81.

**AND IT IS FURTHER ORDERED AND DIRECTED** as follows:

7. The Secretary of State shall pay each Claimant's costs of the proceedings, including those relating the hearing on 4 April 2023, to be assessed on the standard basis if not agreed.
8. There shall be a detailed assessment of the Claimants' publicly funded costs, to any extent necessary.
9. The Secretary of State may by 4pm on 3 May 2023 file and serve evidence and submissions addressing the matters referred to in paragraphs 64 and 65 of the judgment of 5 April 2023.
10. The Claimants and Interested Party may by 4pm on 12 May 2023 file and serve written submissions in relation to the issue arising under CPR 81.6.
11. The court will give further directions in writing thereafter.

**BY THE COURT**