



Courts and Tribunals Judiciary

R

(DUKE OF SUSSEX)

v

SECRETARY OF STATE FOR THE HOME DEPARTMENT

PRESS SUMMARY – Embargoed until 10:30am Wednesday 28 February

NOTE: This summary is provided to help in understanding the Court’s decision. It does not form part of the judgment. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: www.judiciary.uk, <https://caselaw.nationalarchives.gov.uk> and www.bailii.org

1. The claimant says the decision taken by the Executive Committee for the Protection of Royalty and Public Figures (RAVEC) on behalf of the Home Secretary on 28 February 2020 is unlawful. That decision concerned security arrangements to be made in respect of the claimant, as a result of his change in status in the Royal Family. RAVEC’s decision was that the claimant would no longer be provided with the same degree of publicly-funded personal protective security by the police, when in Great Britain.
2. The claimant says the way in which the decision was reached was unlawful in a number of respects, including that the decision-maker failed without good reason to follow RAVEC’s own policy and that it reached a decision that no reasonable decision-maker could have reached (that is to say, it was irrational). The claimant says that he also suffered procedural unfairness, which prevented him from putting forward arguments he might have wished to advance, had he been aware of certain matters.
3. The claimant submits that there have been unlawful failings by RAVEC in the way in which what the claimant considers to be his legitimate security concerns have been addressed, in respect of certain visits by the claimant to Great Britain, following RAVEC’s decision.
4. Aspects of the claimant’s challenge to the decision of 28 February 2020 involve what the claimant says is an unjustified disparity between the way in which RAVEC has approached his case, compared with the position of other individuals.

Decision

5. The court has found that there has not been any unlawfulness in reaching the decision of 28 February 2020. Any departure from policy was justified. The decision was not irrational. The decision was not marred by procedural unfairness. Even if such procedural unfairness occurred, the court would in any event be prevented from granting the claimant relief. This is because, leaving aside any such unlawfulness, it is highly likely that the outcome for the claimant would not have been substantially different.

6. The court has also found that there has been no unlawfulness on the part of RAVEC in respect of its arrangements for certain of the claimant's visits to Great Britain, following the decision of 28 February 2020.