



***The King on the application of Al-Haq
-and-
Secretary of State for Business and Trade***

PRESS SUMMARY:

This press summary does not form part of the Court's judgment. It is provided by the Court for the assistance of the press and the public.

References in square brackets are to paragraphs in the Court of Appeal's Judgment

The claim

1. The Court of Appeal (Lady Justice King, Lord Justice Dingemans (Senior President of Tribunals) and Lady Justice Whipple) have for the reasons contained in a judgment dated 12 November 2025 by Dingemans LJ (SPT), with which King and Whipple LJ agreed refused Al-Haq (an independent Palestinian human rights organisation [5]) permission to appeal against the judgment of the Divisional Court (Lord Justice Males and Mrs Justice Steyn) dated 30 June 2025, [2025] EWHC 1615 (Admin).
2. The Divisional Court had refused the applicant permission to apply for judicial review of a decision made by the Secretary of State for Business and Trade (the Secretary of State) on 2 September 2024 suspending export licences of military and dual-use equipment to Israel, but excluding the supply to the Global Spares Pool of F-35 aircraft components from the suspension. This became known as the F-35 carve out ([2], [3] and [18]). The decision on 2 September 2024 was made following the Foreign Secretary's assessment that Israel was not committed to complying with international humanitarian law [18].
3. The F-35 is a combat aircraft. The F-35 programme is an international collaborative defence programme of eight partner nations which produces and maintains F-35 aircraft. The UK is the second largest partner contributor to the programme. The UK designs and supplies critical components for the operation of the F-35 aircraft. In addition to the eight partner nations, there are customer nations. Israel is a customer nation for the F-35 aircraft. F-35 aircraft of both partner nations and customer nations are supplied from a Global Spares Pool, of which UK components form a part (see [5] and [6]).
4. The Export Control Act 2002 (the 2002 Act) governs the export of arms and other military equipment. The Export Control Order 2008 (SI 2008/31) makes it unlawful to export military goods without a licence (paragraph 5 of the judgment). Section 9 of the 2002 Act requires the Secretary of State to issue guidance about principles to be followed when exercising licensing powers. The Secretary of State has issued guidance, which is the Strategic Export Licensing Criteria (SELC), which was issued on 8 December 2021, and which updated earlier guidance ([8] and [9]).
5. Lady Justice Andrews had referred three grounds of appeal (which are set out in [34]) to an oral hearing, and had refused permission to appeal in relation to three other grounds of appeal on the papers ([1]). Al-Haq also sought permission to reopen one of the grounds of appeal

([35]) for which permission to appeal was refused by Andrews LJ. This was refused for the reasons given in [36] to [42].

6. Permission to appeal on the three grounds of appeal was refused for the reasons set out in [43] to [55]. The Divisional Court had found as a fact that the Secretary of State had not purported to apply the guidance in SELC in making the F-35 carve out ([44]) which meant that the first and third grounds of appeal were not arguable ([46] and [55]). The second ground of appeal was not arguable for the reasons given in [50] and [51].
7. There was no other compelling reason to hear the appeal ([56] to [58]).