



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

CO Ref: CO/3214/2018

In the matter of an application for Judicial Review

The Queen on the application of (1) SUSAN WILSON  
(2) ELINORE MARGAUX GAYSON  
(3) CAROLE ANNE MARGARET RICHARDS (4) JOHN SHAW

versus THE PRIME MINISTER

**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 Claimants and the Acknowledgement of Service filed by the Defendant

Order by the Honourable Mr Justice SUPPERSTONE

**Permission is hereby REFUSED.**

Reasons:

1. The Claimants challenge the decision of the Prime Minister made on 29 March 2017 to give notification to the European Council of the UK's intention to withdraw from the EU pursuant to Article 50 of the TEU (see Claim Form, section 3).
2. The claim is substantially out of time. The claim form must be filed promptly and in any event not later than 3 months after the grounds to make the claim first arose (CPR 54.5(1)). The claim form was filed on 13 April 2018, over 16 months after the notification. No good reason has been advanced for an extension of time.
3. Further, there has been undue delay which I consider would plainly be detrimental to good administration (s.31(6)(a), SCA 1981), in particular, having regard to the fact that the UK is now in the later stages of negotiations with the EU. The Claimants have provided no satisfactory explanation for their delay (see para 4(c) below).
4. In any event I consider the claim to be unarguable:
  - a. The Claimants' case is that the Prime Minister's decision to give Article 50 notification is rendered unlawful because of the conclusions of the Electoral Commission published in May and July 2018. The Electoral Commission made findings that some bodies and individuals involved in the Referendum campaign breached spending limits or committed other breaches of campaign financing requirements. The Claimants contend that the Referendum result is vitiated by reason of such conduct which would fall within the definition of "corrupt and illegal practices" in the Representation of the People Act 1983 and other legislation, and that the decision of the Prime Minister and notification are vitiated for the same reason.
  - b. The Prime Minister cannot be said to have acted unlawfully in making the decision to give notification on 29 March 2017 because of the findings of the Electoral Commission that were not made or published until May/July 2018.
  - c. The Claimants acknowledge that at the date of the Prime Minister's decision allegations that there had been breaches of campaign finance limits during the Referendum campaign had been in the public domain for some time, and that such allegations were being investigated by the Electoral Commission. The relevant facts were matters of public knowledge. The contention that the decision to give Article 50 notice was founded on a premise that there had been compliance with campaign finance requirements is therefore incorrect.

- d. Neither of the Electoral Commission reports establish that the breaches of campaign finance or other requirements identified in the reports mean that the result of the Referendum was "procured by fraud", or that the outcome of the Referendum was affected by any wrongdoing or unlawful conduct.
- e. The decision that the UK will leave the EU on 29 March 2019 has now been approved by Parliament. The issues raised by this claim are therefore academic.
- The costs of preparing the acknowledgment of service are to be paid by the claimant to the defendant, in the sum of £6,042. This is a final order as to costs unless within 14 days the claimant notifies the court and the defendant, in writing, that they object to paying costs, or object to the amount now ordered to be paid, in either case giving reasons. If they do so, the defendant has a further 14 days to respond to both the court and the claimants, and the claimants the right to reply within a further 7 days, after which the defendant's claim for costs and any submissions in relation to it will be put before a judge to be determined on the papers, or at a hearing to reconsider the application for permission.
  - Where the claimants seek a reconsideration of the application for permission the above order now made as to costs will be final unless the Claimants file the written representations referred to above or further order is made by the Court either at a permission hearing or as a consequence of the parties settling the claim and reaching agreement as to costs.

Signed *Michael Supperstone*

21 September 2018

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

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Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date):

Solicitors:

Ref No.

*21 SEP 2018*  
*RLC / EXP001/0003*

**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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CO Ref no: CO/3214/2018

In the matter of a claim for Judicial Review

The Queen on the application of

WILSON and Others

versus PRIME MINISTER

**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**