



HM Courts & Tribunals Service

HM Courts and Tribunals Service,
Royal Courts of Justice Group
Queen's Bench Appeals Office
Room WG08 Royal Courts of Justice
Strand
London
WC2A 2LL

DX 44450 STRAND

T 020 7947 7354

F 020 7947 6724

RNID Typetalk

18001 (Text) 18002 (Voice)
(Helplines for the deaf and hard of
hearing)

www.justice.gov.uk

Richard Slade & Company
9 Grays Inn Square
London
WC1R 5JD

Our ref: QB/2015/0172

Your ref:

14 May 2015

Dear Sirs

Re: PHILIP MICHAEL KERR (APP) v THE ATTORNEY GENERAL (RES)

The Judge has refused your application for permission to appeal. I attach a copy of the Court Order.

This appeal is now at an end.

Yours faithfully

Queen's Bench Appeals Office

Richard Slade & Co.
Gray's Inn - London

18 MAY 2015

RECEIVED

In the High Court of Justice
High Court Appeal Centre Royal Courts of Justice
Order of Master Fontaine dated 1st April 2015
Case number: HQ14X04050
Appeal ref: QB/2015/0172



BETWEEN

Philip Michael Kerr

Claimant and Appellant

and

The Attorney General

Defendant and Respondent

ORDER

Before **the Honourable Mr Justice Cooke** sitting at the Royal Courts of Justice, Strand, London, WC2A 2LL on the 12th May 2015

Upon the application of Philip Michael Kerr for permission to appeal and upon consideration of the Application Notice and the Grounds of Appeal:

IT IS ORDERED THAT:

1. Permission to appeal against the order of Master Fontaine dated 1st April 2015 refused.
2. The application is wholly without merit and, pursuant to CPR PD 52.3(4A)(a) the applicant may not request this decision to be reconsidered at an oral hearing.
3. Extension of time for service of the appellant's notice refused.
4. The appellant/claimant do pay the defendant/respondent's costs of the appeal, to be the subject of detailed assessment if not agreed.

REASONS

1. The appeal has no prospect of success.
2. The appellant's notice was served out of time and no explanation has been provided for the delay.
3. It is common ground that the appellant's complaints fall within section 65(2)(b) and 65(5) of RIPA. The Investigatory Powers Tribunal has jurisdiction under section 65(3) (but not exclusive jurisdiction) to determine the truth of the complaints.

4. The Master was entitled to, and right to, find that the Investigatory Powers Tribunal was the most appropriate forum to hear the issues as the defendant/respondent would abide by any determination made.

5. The Master was entitled to, and right to, find that in circumstances where there would be substantially more expense and complexity in determination of the issues in this court, it was an abuse of process to proceed in the court rather than in the Investigatory Powers Tribunal. It would be a disproportionate use of the court's processes to engage in the fact-finding issues required and to grapple, as necessary, with any issues arising under CPR 31.19, section 6 of the Justice and Security Act 2013 and section 12 of the Prohibition of Harassment Act, when all the matters requiring determination could be considered without such complications in the Tribunal.

6. The fact that an injunction was sought but no damages, is irrelevant in these circumstances, when there is no urgency in the application.

12/3/15
JC



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Strand
London
WC2A 2LL

DX 44450, Strand

T 020 7947 7354

F 020 7947 6724

E qbjudgeslistingoffice@hmcts.gsi.gov.uk

Text Phone 18001 020 7947 6010
(Helpline for the deaf and hard of hearing)

www.hmcourts-service.gov.uk

To: Richard Slade & Co

Case Details: KERR V ATTORNEY GENERAL

Date:

14 5 15

Our ref: 03/ 2015/0172

Your ref:

Dear Sir/Madam

IMPORTANT NOTICE

As your permission to appeal/appeal has now been concluded in the High Court your papers/ 2 bundle(s) will be retained in this office for a period of 14 days for collection.

The 14 days deadline will expire on 28 5 15

If you wish to collect your papers/ 2 bundle(s) then you will have to do so within the specified 14 days.

This is particularly important if your papers/bundle(s) contained original documents.

Any papers/bundle(s) which are not collected within 14 days will be destroyed.

This notice is in accordance with the Practice Statement issued on 20 October 2003 signed by the Vice-Chancellor and the Vice President of the Queens Bench Division.

Papers/ Bundle(s) collected from room WG08

Signature _____ Print Name _____

Date ____/____/____

