



IN THE COURT OF APPEAL, CIVIL DIVISION

16378

REF: C1/2009/2276



The Queen on the Application of Senior-Milne -v- Parliamentary and Health Services Ombudsman

**ORDER made by the Rt. Hon. Lord Justice Pill**

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

**Decision: granted, refused, adjourned.** An order granting permission may limit the issues to be heard or be made subject to conditions.

Refused

**Reasons**

In very detailed written submissions, the applicant suggests that Judge Grenfell has misunderstood the nature of judicial review and has erred on issues including the basis on which the decision on jurisdiction is challenged and continuing breach in relation to delay. I agree with the judge's conclusions. The letter of 6 February 2008 on jurisdiction was sufficiently reasoned. In any event, the claim was brought long outside the three month period normally allowed and related to events years earlier. There is no merit in the concealment allegation. Permission was rightly refused on the ground that the claim was out of time. As to the 16 February 2009 letter from the applicant, I agree with the judge's paragraph 50, quite apart from the MP involvement issue.

*By the Court*

**Information for or directions to the parties**

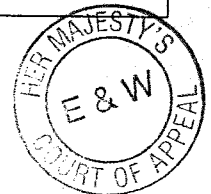
**Where permission has been granted, or the application adjourned**

- a) time estimate (excluding judgment)
- b) any expedition

Signed:  
Date:

*M. Pill*

18.3.10



**Notes**

- (1) Rule 52.3(6) provides that permission to appeal may be given only where –
  - a) the Court considers that the appeal would have a real prospect of success; or
  - b) there is some other compelling reason why the appeal should be heard.
- (2) Rule 52.3(4) and (5) provide that where the appeal court, without a hearing, refuses permission to appeal that decision may be reconsidered at a hearing, provided that the request for such a hearing is filed in writing within 7 days after service of the notice that permission has been refused. Note the requirement imposed on advocates by paragraph 4.14A of the Practice Direction.
- (3) Where permission to appeal has been granted, the appeal bundle must be served on the respondents within 7 days of receiving this order (see para. 6.2 of the Practice Direction to CPR Part 52). A letter of notification will be sent to the appellant or his solicitors, as soon as practicable (see para. 6.3).

Case Number: