

IN THE COURT OF APPEAL, CIVIL DIVISION



REF: C1/2017/2655



R (Centre for Advice on Individual Rights in Europe)

**-v- (1) Secretary of State for the Home Department
(2) Commissioner of Police for the Metropolis**

ORDER made by the Rt. Hon. Lord Justice Singh

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal against the order of McGowan J dated 21 July 2017

Decision: granted.

An order granting permission may limit the issues to be heard or be made subject to conditions.

Reasons

The first ground raises a point of EU law, as to the interpretation of Art. 14 of the Citizens' Directive, on which there is no previous authority. The second ground raises issues as to the powers of a police constable to ask questions for immigration purposes. That issue will give this Court the opportunity to consider the scope of those powers. Although the parties have referred to decisions of the Divisional Court there do not appear to be authorities at the level of the Court of Appeal. I consider that the two grounds of appeal raise important points of law. There is both a real prospect of success and, in any event, some other compelling reason why the appeal should be heard.

Information for or directions to the parties

Mediation:

Where permission has been granted or the application adjourned:

Does the case fall within the Court of Appeal Mediation Scheme (CAMS) automatic pilot categories (see below)? Yes No

Pilot categories:

- Personal injury and clinical negligence cases;
- All other professional negligence cases;
- Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual;
- Boundary disputes;
- Inheritance disputes.

If yes, is there any reason not to refer to CAMS mediation under the pilot? Yes No

If yes, please give reason: The nature and importance of the issues.

Non-pilot cases: Do you wish to make a recommendation for mediation? Yes No



Where permission has been granted, or the application adjourned

- a) time estimate (excluding judgment) 1 1/2 days
- b) any expedition

Signed: *R. Singh*
Date: 30 November 2017

By the Court

Notes

- (1) Rule 52.6(1) 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) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).

DATED 30TH NOVEMBER 2017
IN THE COURT OF APPEAL

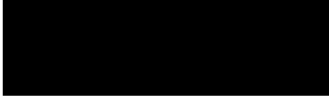
ORDER

Copies to:

Deighton Pierce Glynn



Government Legal Department



MPS Directorate Of Legal Services



Lower Court Ref: CO29922016

