

Administrative Court Office  
Royal Courts of Justice  
Strand  
London  
WC2A 2LL

27 April 2018

Our ref:   
Your ref: CO/1252/2018

Dear Sirs

**R oao Peter Southwood v The Rt Hon Peter Goldsmith QC (Defendant) and The Attorney General (Interested Party) - CO/1252/2018**

We have been instructed by the Rt Hon Lord Goldsmith QC who is named as the defendant in these proceedings.

For all the reasons given in the Summary Grounds of Resistance filed by the Attorney General, permission to apply for judicial review should be refused and the application for permission should be certified as totally without merit. In addition, and as stated at paragraph 17 of the Summary Grounds of Resistance, the correct Defendant to this claim is not our client but is the Attorney General.

We should be grateful if this letter could be included in the papers sent to the judge who considers the permission decision.

We are copying this letter to the claimant and to the solicitors to the Attorney General.

Yours faithfully

*Kingsley Napley LLP*

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Your ref: CO/1252/2018  
Our ref:

Rec'd  
18/5/18

16 May 2018

Dear Sir/Madam

## **SOUTHWOOD v THE Rt HON LORD GOLDSMITH (1) HM ATTORNEY GENERAL (2)**

I refer to the Claimant's submissions on costs dated 7 May 2018 which, in the Attorney General's view, are as lacking in merit as the Claimant's grounds for judicial review.

It is plain that the Court's order refusing permission envisages the Claimant paying the £~~100,000~~ incurred by the Attorney General in preparing his Acknowledgment of Service, notwithstanding that the title to the order does not formally amend the status of the parties.

The Attorney General would respectfully suggest that the Court direct that a) the title to the order be formally amended to reflect the fact that the Attorney General is the correct Defendant and b) the reference in paragraph 11 to the "Interested Party" be replaced by reference to the "Defendant," the latter to avoid inconsistency with paragraph 14.

Aside from the technical point above, the Attorney General notes that the Claimant provides no other reason why he should not be required to pay the £~~100,000~~ and the Court is requested to make the costs order final.

So far as the remainder of the Claimant's submissions are concerned, they largely repeat the grounds which have been found to be totally without merit and which could only now be pursued on an appeal to the Court of Appeal for permission.

Yours faithfully

**For the Treasury Solicitor**

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Emma Robinson - Head of Division  
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Your ref: 2018/1828

Our ref:

17 August 2018

Dear Sirs

## **SOUTHWOOD v THE RT HON. LORD GOLDSMITH QC (Defendant) and THE ATTORNEY GENERAL (Interested Party) - 2018/1828**

I refer to the application by Dr Southwood seeking permission to appeal to the Court of Appeal against orders made on 18 July 2018 by Peter Eggers QC, sitting as a Deputy High Court Judge which made a final order as to costs in this matter. The application for permission to appeal was filed on 3 August 2018.

Specifically, the appellant has requested that the Court:

- a) set aside part of the 18 July 2018 Order;
- b) grant permission to apply for Judicial Review; and
- c) order the substantive appeal to be listed before the Court of Appeal, or failing that, the Chancery Division of the High Court.

The Attorney General respectfully submits that there is no merit in this application and that permission to appeal (and the other orders sought) should be refused. In summary:


1. For all the reasons set out in the Summary Grounds of Resistance, the claim is wholly misconceived. The Order refusing permission dated 30 April 2018 correctly certified the claim as being totally without merit.
2. It was entirely appropriate for the Attorney General to be awarded his costs. The Administrative Court's order was an unimpeachable exercise of its broad jurisdiction in respect of costs, which rightly recognised that the party responsible for responding to the claim was the Attorney General. Dr Southwood has not identified any basis for contending otherwise.
3. The suggestion that the case could be transferred to the Chancery Division is also misconceived and underlines Dr Southwood's misunderstanding of the nature of judicial review proceedings, which must

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Elizabeth Mackie / Lorna Robertson - Deputy Directors, Team Leaders Litigation B4



be pursued in the Administrative Court and must focus on alleged unlawfulness in the Attorney General's public law decision making. As set out in the Summary Grounds, there was no such unlawfulness.

Yours faithfully

  
For the Treasury Solicitor

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Enclosed: Summary Grounds of Resistance filed on behalf of the Attorney General.