

## IN THE COURT OF APPEAL, CIVIL DIVISION



REF: C1/2013/1702/PTA

THE QUEEN ON THE APPLICATION OF STONE –v– CHIEF CONSTABLE OF THE KENT  
CONSTABULARY

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

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:** Refused, as being totally without merit and the applicant may not request the decision to be reconsidered at an oral hearing.

Refused.

**Reasons**

Despite the submission on behalf of the respondent, I am quite satisfied that this is not a "criminal cause or matter" within s.18(1)(a) of the Senior Courts Act 1981 so that the CA can entertain an application for PTA from the decision of Haddon-Cave J refusing to grant permission to bring judicial review proceedings. The subject matter of the present proposed proceedings is the refusal of Kent Police to give access to papers etc and that is the proper province for potential JR proceedings and is very far removed from either the past or any hypothetical future criminal proceedings. However, this application for JR is totally without legal merit. There was plainly no "legitimate expectation" and the point is not arguable for the reasons given succinctly by Haddon-Cave J. Nor is it remotely arguable that any of the *Nunn* criteria satisfied.

**Information for the parties: This decision is final.**

Where the Court of Appeal refuses permission to appeal without a hearing, it may, if it considers that application is totally without merit, make an order that the person seeking permission may not request the decision to be reconsidered at a hearing (see CPR 52.3(4A)(a)). Such an order has been made in this case. The appellant is therefore unable to request that an oral hearing be arranged.

The application for permission to appeal to this Court has been refused. No appeal may be made against this decision to the Supreme Court of the United Kingdom: see S54(4) of the Access to Justice Act 1999.

The Parties have exhausted the domestic appellate process.

Signed: *R J Aikens*

Date: 20/09/2013

*By the Court*