



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref: CO/ 1593 /2015

In the matter of an application for permission to bring Judicial Review

The Queen on the application of

- (1) PROFESSOR BEN O-DOR
- (2) PROFESSOR SULEIMAN SHARKH

versus.

UNIVERSITY OF SOUTHAMPTON

On the application for expedition, for disclosure of documents, for permission to bring judicial review and for a Protective Costs Order

Following consideration of the documents lodged on behalf of the Claimants

Order by the Honourable Mrs Justice Andrews DBE

1. Application for a protective costs order refused.
2. Permission to bring judicial review refused.
3. All other applications refused.
4. If the Claimants wish to renew the application for permission to an oral hearing they must serve the Claim Form and notice of their intention to renew the application on the Defendant and on the Court by no later than 12 noon on Friday 10 April 2015. Non-compliance with this paragraph will result in the claim being struck out without further order.
5. In the event that paragraph 4 of this order is complied with, the oral hearing shall be listed to take place no later than Tuesday 14 April, and the Defendant shall be entitled to appear and make representations.

Observations: the Defendant made what appears on the face of it to be a perfectly rational and lawful decision on appeal against its refusal of permission for a conference to be held on its premises on 17-19 April because of concerns about security. The grounds are little more than disagreement with the result and do not disclose an arguable basis for judicial review. There is nothing to stop the Claimants from organizing the conference elsewhere. It is contended that the decision was procedurally unfair; however it is not explained why the Claimants contend they were entitled to see documents from the police or University security or anyone else who raised objections, or why the failure to provide them with those documents made the decision procedurally unfair. Even if it did, the appropriate remedy would be an order requiring the Defendant to reconsider the appeal, not an order compelling it to allow the conference. There is insufficient time for reconsideration of the appeal before the scheduled date. There is no real prospect of success. This case is also wholly inappropriate for a Protective Costs Order. It does not even begin to satisfy the Cornerhouse principles, and it is nonsense to suggest that the subject matter relates to matters of profound constitutional importance. The Claimants, as the organizers, plainly have a personal interest in the outcome of the claim, and it would not be fair to an academic institution to make an order requiring it to bear its own legal costs even if it won.

Geraldine M. Andrews 08 APR 2015

Sent to the claimant, defendant and any interested party / the claimants, defendants, and any interested party's solicitors on (date):

08 APR 2015



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref no: CO/1593/2015

In the matter of a claim for Judicial Review

The Queen on the application of

BEN-DOR

versus **VICE CHANCELLOR UNIVERSITY OF SOUTHAMPTON**

Notice of RENEWAL of claim for permission to apply for Judicial Review (C P R 54. 12)

1. *This notice must be lodged in the Administrative Court Office, by post or in person and be served upon the defendant (and interested parties who were served with the claim form) within 7 days of the service on the claimant or his solicitor of the notice that the claim for permission has been refused.*
2. *If the claim was issued on or after 7 October 2013, a fee is payable on submission of Form 86B. Failure to pay the fee or lodge a certified Application for Fee remission may result in the claim being struck out. The form for Application for Remission of a Fee is obtainable from the Justice website <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>*
3. *If this form has not been lodged within 7 days of service (para 1 above) please set out below the reasons for delay:*

4. *Set out below the grounds for seeking reconsideration:*

5. *Please supply*

COUNSEL'S NAME:

COUNSEL TELEPHONE NUMBER:

Signed

Dated

Claimant's Ref No.

Tel.No.

Fax No.

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

FORM 86B