

SPECIAL IMMIGRATION APPEALS COMMISSION

Field House,
Breams Buildings
London
EC4A 1WR

Friday, 7th February 2014

BEFORE:

THE HONOURABLE MR JUSTICE IRWIN

BETWEEN:

HILAL AL-JEDDA

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

MR T HICKMAN (instructed by Public Interest Lawyers) appeared on behalf of the Appellant. .

MR R JONES (instructed by the Treasury Solicitor) appeared on behalf of the Secretary of State.

MR A McCULLOUGH QC and MR B COLLINS (instructed by Special Advocates' Support Office) appeared as Special Advocates.

RULING

Transcribed by Harry Counsell
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MR JUSTICE IRWIN:

1. As everyone will be aware, the Commission issued a practice note in October of last year. Much of the thrust behind that was that the way of doing business in SIAC has to become more businesslike. There needs to be case management which is active and everyone needs to focus on the fact that, despite the unusual nature of the cases that come through this Commission, active case management is still an obligation of all parties.
2. What has happened here seems to me to be a classic example of those - and it may be that it is Ministers - who instruct the counsel of the respondent appearing before the Commission assuming that the Commission's timetable can be treated as extendable and variable at the party's behest. Accepting everything that Mr Jones has said, it also confirms that there was no real regard paid to the waste of bringing two special advocates to the Commission today. Obviously, we are talking about public funds, both Government funds in relation to the Secretary of State and public funds in relation to the special advocates. The Commission will be prepared, if this message does not get through, to make costs awards, transferring costs from one public body to another. It seems to me that the approach indicated by Mr Justice Collins in the Administrative Court - and, in fact, followed by some of us sitting in that jurisdiction from time to time - is entirely suitable for SIAC. There is no reason why late decisions by Ministers or by parties - this is not for one side or the other - should be allowed to waste costs simply because no one makes up their mind.
3. The position here is quite stark. This matter was due to be heard on 23rd January, so the anticipation should have been that a decision should have been taken on this as to whether a closed hearing was necessary or not in good time not to waste costs before 23rd January, not merely before 7th February.
4. The only reason that I do not make an order today is that it has not been the practice in the past for application for costs in this way to be made and it may be that it is right and fair for this message to go home before a costs order is made. Everybody should take it that the message should be going home now.
