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Sunworld Ltd v Hammersmith and Fulham LBC
R. v Blackfriars Crown Court Ex p. Sunworld Ltd

Positive/Neutral Judicial Consideration

Court
Queen's Bench Division

Judgment Date
23 November 1999

Where Reported
[2000] 1 W.L.R. 2102
[2000] 2 All E.R. 837
[1999] 11 WLUK 746
[2018] L.L.R. 646
[2000] Crim. L.R. 593
Judgment

Subject
Criminal procedure

Keywords
Case stated; Procedure

Judge
Simon Brown LJ;
Turner J

Counsel
For S: John Wardell.
For H: Simon Blackford.

Solicitor
For S: Mason Bond (Leeds).
For H: Council Solicitor.

Case Digest

Summary

Where a Magistrates' or a Crown Court refused to state a case, the party aggrieved should apply without delay for permission to apply for judicial review either to order the court to state a case or to quash the relevant order. If the court below had already given a reasoned judgment containing all

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the necessary findings of fact and/or had explained its refusal to state a case in terms which clearly raised the disputed point of law, the single judge should, provided that he believed the point to be properly arguable, grant permission to apply for judicial review thereby avoiding the need for a case to be stated. If the court below had stated a case but had done so in respect of certain questions only, it would be preferable to apply for the case stated to be amended unless sufficient material existed to enable the Divisional Court to deal with those issues that were properly arguable.

Abstract

Following the dismissal of an appeal against a conviction under the Trade Descriptions Act 1968, SL, a tour operator, sought to challenge the court's decision and to have three issues clarified by case stated, in accordance with the rule in, *R. v Ipswich Crown Court Ex p. Baldwin [1981] 1 All E.R. 596, [1980] 10 WLUK 209*. Upon refusal in respect of two of the questions, SL sought permission to apply for judicial review to order the Crown Court to state a case on all three questions.

Held, allowing the application, that where a Magistrates' or a Crown Court refused to state a case, the party aggrieved should apply without delay for permission to apply for judicial review either to order the court to state a case or to quash the relevant order. If the court below had already given a reasoned judgment containing all the necessary findings of fact or had explained its refusal to state a case in terms which clearly raised the disputed point of law, the single judge should, provided that he believed the point to be properly arguable, grant permission to apply for judicial review thereby avoiding the need for a case to be stated. If the court below had stated a case but had done so in respect of certain questions only, it would be preferable to apply for the case stated to be amended unless sufficient material existed to enable the Divisional Court to deal with those issues that were properly arguable. The court would adopt whatever course involved the least expense, delay and duplication of proceedings.

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