

CO/543/2019

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT**

BETWEEN:

**THE QUEEN
on the application of**

MEDICAL JUSTICE

Claimant

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

-and-

EQUALITY AND HUMAN RIGHTS COMMISSION

Intervener



CONSENT ORDER

UPON the Defendant having issued an application on 20 May 2019 (the "Application") to clarify and/or vary the interim order of Walker J dated 14 March 2019 ("the Order");

AND UPON the Defendant having agreed, without prejudice to his position as set out in his letters of 17 and 24 June 2019 and in the witness statement of Mark Griffiths filed in support of the Application that until the final determination of the Claim the notice period applicable to returns by charter flights be calculated back from midnight on the day before removal;

AND UPON the Claimant having reserved its position on the basis explained in the Claimant's letters of 20 June 2019, and 24 June 2019, namely without accepting the arguments or evidence relied on by the Defendant in support of the Application and without prejudice to the Claimant's position in relation to the grant of any final relief following judgment in this claim;

IT IS ORDERED BY CONSENT THAT:

1. The Order of Walker J be clarified and/or varied to include an additional paragraph 2(4) as below:

In the case of individuals who are due to be removed by charter flight, the Defendant will have complied with sub-paragraph 2(2) of this Order where he notifies those individuals that removal directions have been set for their removal on a particular date, and where the relevant notice period within the meaning of paragraph 2(2) above thereafter expires no

later than midnight on the day preceding the date of their removal. In those circumstances the notice of removal directions need not contain the time of departure, the commercial flight number, nor the departure airport. The notice must give the destination airport and country, and any relevant transit points.

2. The hearing of this application which is fixed for 26 June 2019 is vacated.
3. Costs reserved.

SIGNED on 25th of June 2019

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Approved
Mr Justice Freedman
25.6.19

By the Court