



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

CO Ref: CO/5231/2010

In the matter of an application for Judicial Review

The Queen on the application of CORNER HOUSE RESEARCH

versus SECRETARY OF STATE FOR BUSINESS

**Application for permission to apply for Judicial Review
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the documents lodged by the Claimant and the Acknowledgement of service filed by the Defendant

Order by the Honourable Mr Justice OUSELEY

Permission is hereby refused.

Reasons: This claim, although relating to important issues of policy, is not arguable in law. The policy is not irrational, and it is impossible to argue, as the claimant must in reality contend, that the only rational export guarantee policy must require inquiry as to child or bonded labour however small the amount of support. The Article 4 claim is novel, not because the various cases on the broader scope of territoriality do not apply to Article 4, but first because, even were it known that the support would assist in relation to a project in which bonded or child labour would be used, the degree of contribution to control or responsibility here is so limited and indirect compared to those cases that their principles do not apply to it; and second the real question is even more remote, ie whether Article 4 requires inquiries to be made in every case to ensure that such indirect and limited responsibility would not arise. The requirement for UK Courts, see Ullah, is that their jurisprudence should not lag behind Strasbourg; this would be two long jumps ahead. And there are no straws in the wind either which suggest that that is where it is headed. Even if one were to factor in a tendency to what I could call bold and imaginative interpretations of the Convention, this case is not arguable on human rights grounds. I accept the arguments in the AoS.

Costs: the claimant shall pay costs of the AoS in the sum of £7000 inc VAT. I make a modest reduction because in the understandable absence of a detailed breakdown, there is scope for a degree of duplication between solicitor and junior counsel.

Signed *D. J. W. Ouseley*
23.7.10

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

Solicitors: [LEIGH DAY]
Ref No. [JBEAGENT]

Notes for the Claimant