



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: C1/2011/2931

[SEAL]

FEENEY –v– OXFORD CITY COUNCIL & ANR

ORDER made by the Rt. Hon. Lord Justice Carnwath

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal.

Decision: granted, refused, adjourned. An order granting permission may limit the issues to be heard or be made subject to conditions.

Refused.

Reasons

Notwithstanding the length of the judgment (surprising for a “strike-out” application) and the length of the “skeleton” argument, I am unconvinced that there is any point of more than theoretical argueability. I see nothing arguably wrong in the approach adopted by the authority. They were entitled to regard the “qualifying wording” as achieving the objectives of the Directive.

Information for or directions to the parties**Where permission has been granted, or the application adjourned**

- a) time estimate (excluding judgment)
- b) any expedition

Signed:
Date: 29th February, 2012

Notes

- (1) Rule 52.3(6) provides that permission to appeal may be given only where –
 - a) the Court considers that the appeal would have a real prospect of success; or
 - b) there is some other compelling reason why the appeal should be heard.
- (2) Rule 52.3(4) and (5) provide that where the appeal court, without a hearing, refuses permission to appeal that decision may be reconsidered at a hearing, provided that the request for such a hearing is filed in writing within 7 days after service of the notice that permission has been refused. Note the requirement imposed on advocates by paragraph 4.14A of the Practice Direction.
- (3) Where permission to appeal has been granted, the appeal bundle must be served on the respondents within 7 days of receiving this order (see para. 6.2 of the Practice Direction to CPR Part 52). A letter of notification will be sent to the appellant or his solicitors, as soon as practicable (see para. 6.3).

INSTRUCTIONS TO THE CIVIL APPEALS OFFICE. This information will be conveyed to the parties, where appropriate, by the Office in correspondence.

FEENEY

—v—

OXFORD CITY COUNCIL & ANR

(1) Where the application has been adjourned, or refused, and is subsequently renewed:

(i) Can the application be dealt with by 1 LJ Yes No

(ii) If Yes, should that LJ be: Self Other

(iii) If not 1 LJ, should it be: 2 LJs 3 LJs

(2) ADR: This matter is suitable for mediation; please prepare a draft letter to the parties

(3) Constitution of Court to hear appeal:

2 LJs 3 LJs 3 Judge but may include a High Court Judge

Any further instructions to the Civil Appeals Office: