

THE HON. MR JUSTICE FORDHAM

Determination as to Venue



Neutral Citation Number: [2022] EWHC 540 (Admin)

Case No: CO/575/2022

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

1 Oxford Row

Leeds LS1 3BG

Determination: 11th March 2022

Hand-down: 15th March 2022

Before:

MR JUSTICE FORDHAM

Between:

THE QUEEN (on the application of ENITANWA OREKOYA)

Claimant

- and -

LEEDS COUNTY COURT

Defendant

- and -

LEEDS CITY COUNCIL

Interested Parties

The **Claimant** in person

Determination as to Venue

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

A handwritten signature in blue ink, appearing to read "Michael Fordham".

.....
THE HON. MR JUSTICE FORDHAM

MR JUSTICE FORDHAM:

1.

This is a judicial determination on the papers, but where it is, in my judgment, appropriate to give reasons by way of a short judgment. The determination bears two dates. That is for this reason. The determination was made and provided (on a non-confidential basis) to the parties on 11 March 2022. But in order to deal appropriately with a published release into the public domain, promoting open justice, arrangements were made for a virtual hand down, with a 'cause list' listing, on 15 March 2022.

2.

The claim is for judicial review and a minded to transfer order ("MTTO") was made on 25 February 2022. The Claimant had filed the claim in Birmingham. The Form N461 is dated 16 February 2022. In answer to the question on that Form "Have you issued this claim in the region with which you have the closest connection?", the Claimant said "no" and gave as "reasons": "I have a precedent in the decision of the court in which I am making the application". In her written objections to the transfer of the case to Leeds (1 March 2022) she says: "I object to this case being transferred to Leeds. The court at Leeds has already declined to issue this matter." An email from the ACO in Leeds (17.2.22) states: "Please note it is no[t] appropriate for you to make a Judicial Review at this stage. It would appear you have not exhausted every appeal avenue available to you. A Judicial Review is the last resort once all rights of appeal have been exhausted."

3.

The claim for judicial review challenges a decision of District Judge Goldberg on 16 February 2022. The witness statement in support says this: a hearing had been listed for 18 February 2022 and the Claimant had applied for that order to be set aside or varied to grant an adjournment until after 14 April 2022; the order of 16 February 2022 required a medical report which the Claimant was not able to obtain; she was in email communication with the county court; the application for an adjournment was struck out. No objection to transfer to Leeds has been filed by the Defendant (Leeds County Court) or by the Interested Party (Leeds City Council). The Claimant act in person and lives in Leeds.

4.

In her written objection to transfer, the Claimant said: "I require more time to add to my submissions. I currently cannot write much and I've had to get assistance with writing this email". Within the court papers is a statement of unfitness to attend court, provided by a GP and dated 28 January 2022. That is a document which featured in a previous judgment which I gave in another case: [\[2022\] EWHC 472 \(Admin\)](#). There is no specific evidence relating to any medical reason why the Claimant could not express in writing her objections to transfer. The Court has the substance of the reason given in the N461 and the reason stated in the written objection to transfer. I am satisfied that it is necessary and appropriate for this Court to deal with the question of transfer and that it would not be necessary or appropriate in interests of justice and having regard to the overriding objective to defer consideration to allow an unspecified further period of time for further submissions.

5.

As the MTTO accurately pointed out: "it is clear that this claim has nothing to do with the Midlands region and everything to do with the [North East] Region". Whatever the position regarding the claim

not being issued in Leeds – and the Claimant’s position is that she tried to achieve that but was met with a refusal from ACO – the fact is that the claim has been issued and it will be dealt with. The question is the appropriate venue the ongoing dealing with this case. The answer to that is very clearly Leeds. The idea that there was a previous precedent favouring Birmingham cannot begin to displace that conclusion. Furthermore, the ‘precedent’ was never explained or produced, and is not referenced in the objections to transfer, which makes a different point and refers to the Claimant trying to issue this claim in Leeds. That is clearly where it belongs.

11.3.22