



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

CO Ref: CO/9690/2011

In the matter of an application for Judicial Review

The Queen on the application of

JOHN SMALLEY

Claimant

versus

UNITED KINGDOM COUNCIL FOR PSYCHOTHERAPY
[REDACTED]

Defendant
Interested Party

On the application for interim relief

Following consideration of the documents lodged by the parties

Order by His Honour Judge Behrens sitting as a Judge of the High Court in Leeds

1. The Application for abridgement of time is refused.

Observations

1. This application has not been brought promptly. The decision of the Fitness to Practice Panel was made on 2nd June 2011. Reasons were provided on 12th July 2011. Yet this application was not made until 10th October 2011. In those circumstances it is not appropriate to abridge time for the judicial review proceedings
2. There is no realistic possibility that even if time were abridged there could be a contested judicial review hearing before 8th December 2011.
3. It is generally preferable to allow proceedings to run their course without being interrupted by applications for judicial review.

Signed

John Behrens

Date: 11.10.11

Sent to the claimant, defendant and any interested party / the claimants, defendants, and any interested party's solicitors on (date): 11.10.11



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CO Ref:

CO/9690/2011

In the matter of an application for Judicial Review

The Queen on the application of

JOHN SMALLEY

versus UNITED KINGDOM COUNCIL FOR PSYCHOTHERAPY

**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 His Honour Judge Shaun Spencer QC sitting as a High Court Judge at Leeds

Permission is hereby refused.

Reasons:

- The Application to quash the decision of the Defendant's Fitness to Practise Panel to refuse a stay of the proceedings brought against the Claimant is not one which has any prospects of success. The Panel received the correct legal advice and was entitled to find that the delay was not prejudicial to a fair trial of the Interested Party's complaints. Their decision to refuse a stay was not even arguably irrational.
 - Given the Panel Hearing date of the 8 December 2011, the presentation of this claim on the 10 October 2011 (against a decision given on the 2 June 2011) dictates that permission should also be refused on the grounds of delay.
- The costs of preparing the Acknowledgment of Service are to be paid by the claimant to the defendant. The costs are to be the subject of a detailed assessment if not agreed.
 - Case is considered to be totally without merit*

*delete where not applicable

Signed

Dated: 04 November 2011

Sent / ~~Handed~~ to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date): 04.11.11

Solicitors: IRWIN MITCHELL LLP

Ref No. KOA/MLC/03437778-00000002

Notes for the Claimant

If you request the decision to be reconsidered at a hearing in open court, you must complete and serve the enclosed FORM within 7 days of the service of this order – CPR 54.12



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

CO Ref:
CO/9690/2011

In the matter of an application for Judicial Review

The Queen on the application of JOHN SMALLEY Claimant

versus

UNITED KINGDOM COUNCIL FOR PSYCHOTHERAPY Defendant

And [REDACTED] Interested Party

On the renewal hearing of the Claimant's application for permission to apply for Judicial Review

UPON HEARING Mr Heppinstall of Counsel for the Claimant and Mr Hickman of Counsel for the Defendant

Order by His Honour Judge Gosnell sitting as a High Court Judge

- 1) Permission is refused.
- 2) There be no order for costs.

Signed

BY THE COURT

Dated 1st December 2011