

IN THE COURT OF APPEAL, CIVIL DIVISION



REF: A2/2020/2069/PTA



ELLIS –v– SOLICITOR GENERAL

ORDER made by the Rt. Hon. Lord Justice Newey

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

Decision: Permission to appeal refused as totally without merit; stay of execution refused

Reasons

The appeal has no real prospect of success and there is no other compelling reason for this Court to hear it.

The order which the appellant wishes to appeal was made by Goose J on 17 June 2020. By his order, the Judge gave the respondent permission to bring contempt proceedings and made directions in respect of those proceedings.

As the Judge noted in his judgment, it was not for him to determine whether the respondent's allegations were correct, only that there was an arguable case. The Judge concluded that there was a prima facie case for contempt proceedings and that committal proceedings were in the public interest.

The appellant has not identified any plausible ground for challenging the Judge's decision. There is no good reason to doubt that the Judge was entitled to conclude that there was at least a reasonable basis for the respondent's allegations and that contempt proceedings were in the public interest. With respect, the documents which the appellant has prepared in support of his application for permission to appeal do not disclose anything casting the slightest doubt on the Judge's decision.

The application for a stay of execution falls with the refusal of permission to appeal.

Signed:

Date: 22 December 2020

Notes

- (1) Rule 52.6(1) 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) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).

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