



# A149

Case No: CO/4722 & 4823/2009

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

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 10/07/2009

**Before :**

**MR JUSTICE FOSKETT**

**Between :**

<b>(1) FOREST HEATH DISTRICT COUNCIL &amp; ST.EDMUNDSBURY BOROUGH COUNCIL</b>	<b><u>Claimants</u></b>
<b>(2) SUFFOLK COASTAL DISTRICT COUNCIL</b>	
<b>- and -</b>	
<b>THE ELECTORAL COMMISSION</b>	<b><u>Defendant</u></b>
<b>THE BOUNDARY COMMITTEE FOR ENGLAND</b>	
<b>-and-</b>	
<b>THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT</b>	<b><u>Interested Party</u></b>

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**James Findlay QC and Sophie Weller** (instructed by **Sharpe Pritchard Solicitors**) for the **Claimants**  
**Richard Gordon QC and Andrew Henshaw** (instructed by **Treasury Solicitors**) for the **Defendant**  
**Tim Buley** (instructed by **Treasury Solicitors**) for the **Interested Party**

Hearing dates: 30<sup>th</sup> Jun, 1<sup>st</sup> & 2<sup>nd</sup> July 2009

**FURTHER RULING ON RELIEF GRANTED**

**Mr Justice Foskett:**

1. It is common ground between the Claimants and the Defendant that the appropriate order to make to give effect to the judgment handed down is to quash the publication on 19 March of the Draft Proposals for Suffolk. However, the Secretary of State, as Interested Party, has submitted that any decision about the relief should either be deferred pending the outcome of any appeal or, alternatively, that the order should be limited to quashing the decision of the Defendant not to publish the Claimants' proposals. It is argued that it is not necessary to quash the publication of the two proposals it did choose to publish because, it is said, the unfairness identified in the judgment does not taint the decision to publish those proposals.
2. I am unable to accept these suggestions. In the first place, the natural order to make at this stage, in principle, is a quashing order as indeed has been agreed between the Claimants and the Defendant. I have granted permission to appeal and if the Interested Party wishes to argue that the effect of the order should be stayed pending the appeal, then that is a matter that can be raised by way of application to the Court of Appeal. Equally, I do not see how it can be said that the effect of my decision was that the publication of the other two proposals could simply stand whilst a debate continues about whether I was right to conclude that the Claimants' proposals had not been considered fairly. I concluded that there was a flaw in the process that led to the publication of what was published. If I am right about that, then the whole publication is itself flawed.
3. I am not, therefore, prepared to do anything other than to make an order quashing the publication on 19 March 2009 of the Draft Proposals for Suffolk.
4. I would ask Counsel to agree an order giving effect to all the decisions I have made so that, if it is the wish of the parties, the appeal process can get under way sooner rather than later.