

Neutral Citation No: [2020] NIQB 9

Ref: KEE11173

*Judgment: approved by the Court for handing down
(subject to editorial corrections)**

Delivered: 21/01/2020

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

QUEEN'S BENCH DIVISION

**IN THE MATTER OF AN APPLICATION BY ANA EMERY
FOR LEAVE TO APPLY FOR JUDICIAL REVIEW**

KEEGAN J

[1] I am grateful to counsel and the solicitor for attending today. Ms Emery has not attended. I do not make any adverse inference from that because I appreciate her circumstances and I have considered the papers. In any event I am going to allow that the order does not take effect for one week from issue of this ruling in case Ms Emery does want to make any other representations or appear.

[2] The only application that I am being asked to deal with today which is characterised as "extremely urgent referral to Judge Keegan for urgent application" is for me to transfer the case to the administrative court in London in relation to housing provision and that is because Ms Emery is now living in England.

[3] I say at the outset that the court is sympathetic to someone who is homeless and that is why I tried to bring this case before the court in December and thereafter and I suggested very well established advice centres could help but none of that has really borne any fruit. I cannot transfer a judicial review case to London. That does not mean Ms Emery is without relief. She can immediately apply to an administrative court in London if she has a case in relation to her homelessness.

[4] In relation to the position in Northern Ireland I have heard from the solicitor from the Housing Executive who says there is no decision subject to challenge in terms of events that transpired here. Also he said if that there is engagement in Belfast there are obligations in relation to temporary accommodation. So if the applicant comes back to Belfast she is encouraged to engage. It follows that the case

against the Housing Executive is dismissed in Northern Ireland with an indication that a claim can of course be taken in the administrative court in England.

[5] The other claim is in relation to benefits. Again, I was very concerned before Christmas that the applicant would be without any money and that is why I asked the proposed respondents to file correspondence. I have been told that money was paid by voucher, the point being that the applicant did not have a bank account. So that gets us over that hurdle. Now the issue is in relation to backdating. The original judicial review was to obtain a decision on that.

[6] A decision has been made of 9 January 2020 which sets out the reasoning behind the extent of the backdating claim on the basis of the regulations and residency. Ms Emery is perfectly entitled to challenge that decision contained in the letter of 9 January 2020. In my view that is a different case and I am not satisfied that the current case that is before me has any reasonable prospect of success so I am going to dismiss that case as well with the indication that if there is some issue about backdating down the line a further case may be mounted.