



Neutral Citation Number: [2024] EWHC 1850 (Admin)

Case No: AC-2023-MAN-000238

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**  
**SITTING IN MANCHESTER**

Circulated: Thursday 4<sup>th</sup> July 2024  
Hand-down: Monday 8<sup>th</sup> July 2024

**Before:**

**MR JUSTICE FORDHAM**

**Between:**

**THE KING (on the application of  
DR IMAD NAASANI  
DR MOHAMAD BASHIR  
MR JAAFAR MUSTAFA)**

**Claimants**

**- and -**

**SECRETARY OF STATE FOR FOREIGN,  
COMMONWEALTH AND DEVELOPMENT  
AFFAIRS**

**Defendant**

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**Dr Abdul-Haq Al-Ani (by Direct Access) for the Claimants**  
**Malcolm Birdling and \*\* Howell (instructed by GLD) for the Defendant**  
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## **Determination as to Venue**

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**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. I gave a permission-stage judgment in this case on 15 November 2023, which was provided in confidential draft a week earlier on 7 November 2023. The judgment is [2023] EWHC 2853 (Admin). As I explained, I had identified two arguable grounds (§16), was directing that the claim continue as a statutory review (s.38 of the 2018 Act) and making directions under CPR79.10 (§27(6)-(15)). I directed that the substantive hearing be heard by a High Court Judge (§27(6)), listed in conjunction with Counsel’s clerks. I explained in the judgment that I had raised the issue of venue and that – after receiving brief observations from the parties – I was provisionally of the view that the case should continue to be case-managed from Manchester; but that I was giving the Secretary of State liberty to apply for a venue determination (§26), within 7 days (§27(17)).
2. No such application was made by the Secretary of State. The 7-day deadline was 22 November 2023. The hearing was fixed for 13 June 2024. By the beginning of May 2024 it was appreciated at the Administrative Court in Manchester (ACM) that this was not a High Court Judge slot. There was a two-week HCJ slot in May 2024, but it was too late to switch the case to that window. There was a three-week HCJ slot in July 2024, and attempts were made to fix the hearing for 2 July 2024, but that did not work for all Counsel. I had directed listing in conjunction with Counsel’s clerks and – given that the June 2024 listing was no fault of the parties – we decided that it was preferable to find a date that the parties’ preferred Counsel could make. There was a two-week HCJ slot in October 2024 and, at the end of May 2024, the case was duly fixed within that window for 22 October 2024. But that did not work for all Counsel either. Reference has been made to a limited amount of HCJ time in Manchester. But this case could have been heard by an HCJ in Manchester in May 2024 (2 week window), or July 2024 (3 week window), or October 2024 (2 week window). I do not regard it as vacation business. I do not regard the fact that it is likely that a convenient date for Counsel could more readily be found in London, where there is greater continuity of HCJ cover, is a good reason for transfer. I think ACM was right, in the circumstances, to continue to work towards a date which worked for Counsel.
3. By an application on 14 June 2024, the Secretary of State sought transfer of the proceedings to London, or alternatively a new hearing date in Manchester. I am acceding to the second aspect of this. It has proved straightforward. The Secretary of State’s Lead Counsel can, after all, do other dates in the window. That was not the position, as communicated to the Court, back on 14 May 2024. The hearing will now be on 28 October 2024 before an HCJ in Manchester. That resolves the matter. Transfer was being sought on two bases. One was delay in getting a hearing date. That was not, in my judgment, a good reason. In any event, it has now been resolved.
4. The other reason put forward was that the Secretary of State now appreciated (on 12 June 2024) that PD54C §3.1(1)(d) applies to these proceedings. CPR 54PDC §2.1 provides that judicial review proceedings “should be commenced at the Administrative Court office for the region with which the claim is most closely connected, having regard to the subject matter of the claim”, “save where the proceedings are within any of the excepted classes of claim set out in §3.1”; and §2.2 provides that where a “claim Form which includes one of the excepted classes of claim” is filed “other than in London”, then “the proceedings will be transferred to London”. CPR PD54C §2.4

provides that “once assigned to an Administrative Court Office, the proceedings will be administered from that office”; but §2.3 empowers the transfer to another office on application by a party or on the Court’s own initiative. The PD54C §3.1 excepted classes of claim include at §3.1(1)(d) “(1) proceedings to which Part 76 or Part 79 applies, and for the avoidance of doubt ... (d) proceedings in which a special advocate is or is to be instructed”. Part 79 is Proceedings under the Counter-Terrorism Act 2008, Part 1 of the Terrorist Asset-Freezing Etc Act 2010 and Part 1 of the Sanctions and Anti-Money Laundering Act 2018.

5. The Secretary of State’s primary position is that I am obliged to order a transfer. I have not been persuaded that I am in a “jurisdictional straitjacket”: cf. R (Valencia Waste Management Ltd) v Environment Agency [2024] EWHC 939 (Admin) at §4. There is, in my judgment, jurisdiction for the claim to be heard at ACM. There is no feature of the case causing any difficulty. There is no close material procedure or special advocate (cf. Valencia). The application for transfer has come far too late. The case has been handled in Manchester throughout. There was a specific window to make an application for transfer. An apology has been provided, and I accept it. But there is no application for an extension of time sought, and no good reason for one. The Claimants oppose transfer, and have done throughout. The case was fixed before an HCJ in Manchester, and has readily been moved a week. The Practice Direction has to be interpreted and applied consistently with the overriding objective. The arrangements are in place and the case is being heard by an HCJ. In the particular circumstances, it will stay in Manchester.
6. Finally, I record that the First Claimant has filed a witness statement (26 June 2024), to which his Counsel has invited my attention. It records that he has, after all, recently found a means of making a successful transfer of funds to Syria. All parties will wish to consider the implications of this new information for the issues in the case.