



Neutral Citation Number: [2025] EWHC 308 (Admin)

Case No: AC-2024-LON-004089

IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 13/02/2025

Before:

MRS JUSTICE HILL DBE

Between:

MATILDA JANE FARNELL

Appellant

-and-

NURSING AND MIDWIFERY COUNCIL

Respondent

Written submissions on venue: 16 and 17 December 2024

Determination as to Venue

Approved Judgment

This judgment was handed down remotely at 2:30pm on 13th February 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MRS JUSTICE HILL

Mrs Justice Hill:

Introduction

1. This is a judicial determination on the papers, but where it is appropriate to give reasons by way of a short judgment. It addresses the issue of where this claim should be administered and determined.

The procedural history

2. By an Appellant’s Notice dated 12 December 2024 the Appellant appeals various decisions with respect to her made by the Respondent’s Fitness to Practice Committee on 15 November 2024. Statutory appeals of this kind are brought in the Administrative Court.
3. The Appellant filed the appeal with the Administrative Court in London. On 16 December 2024 a minded to transfer order (“MTTO”) was made. This is a mechanism by which the Court invites and considers “the views of the parties” before any finalised decision to transfer the claim: see the Administrative Court Judicial Review Guide 2024 at paragraph 7.7.5. The MTTO was made by Martin Lee, Administrative Court Lawyer, in the exercise of powers delegated by the President of the Queen’s Bench Division under CPR 54.1A; see also the Administrative Court Judicial Review Guide 2024 at paragraph 13.4.5.10.
4. The MTTO recorded that Mr Lee was minded to transfer the case to the Administrative Court in Leeds in light of the following:

“The appeal has been lodged in London but the claim is clearly most related to Wakefield where the Appellant resides. No explanation has been provided for filing in London. Transfer would ensure efficient use of court resources and avoid overloading the London court and ensure that local counsel are instructed in the even[t of] any transfer”.
5. Mr Lee also cited *R (Thakor, aka Parmar) v Secretary of State for the Home Department* [2022] EWHC 2556 (Admin). There, Fordham J transferred a claim for judicial review relating to a decision of the Secretary of State refusing the Appellant’s further asylum and human rights submissions from London to Leeds. The position of both parties had been that the claim should remain in London as they had instructed London counsel and any hearing in Leeds would involve additional burdens as to time and cost and could impact on availability.
6. The MTTO gave the parties liberty to indicate opposition to transfer by way of written submissions within 7 days. The parties provided submissions on 16 and 17 December 2024.

The legal framework

7. CPR PD 54C is intended to facilitate access to justice by enabling cases to be administered and determined in the most appropriate location: paragraph 1.1.

8. It explains that the administration of the Administrative Court is organised by geographical area; and that, in addition to the central Administrative Court Office at the Royal Courts of Justice in London, there are Administrative Court Offices in Birmingham, Cardiff, Leeds and Manchester. Claims on the North-Eastern Circuit are administered from (and should be filed in) Leeds and claims on the Northern Circuit are administered from (and should be filed in) Manchester: paragraph 1.2(1).
9. The Administrative Court applies the principle that “where a claim has a specific connection to a region (by subject matter, location of the Appellant or Respondent or otherwise) it should, if at all possible, be administered and determined in that region”: paragraph 1.2(2).
10. PD 54C makes provision for certain “excepted classes of claim” at paragraph 3.1. In all other cases, 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, the location of the Appellant, or the Respondent, or otherwise”: paragraph 2.1.
11. Paragraph 2.5 reiterates the “general expectation” that “proceedings will be administered and determined in the region with which the claim has the closest connection”. This will be determined “having regard to the subject matter of the claim, the region in which the Appellant resides and the region in which the Respondent or any relevant office or department of the Respondent is based”. In addition, the court may consider any or all other relevant circumstances including the following:
 - “(a) any reason expressed by any party for preferring a particular venue;
 - (b) the ease and cost of travel to a hearing;
 - (c) the availability and suitability of alternative means of attending a hearing (for example, by video-link);
 - (d) the extent and nature of any public interest that the proceedings be heard in any particular locality;
 - (e) the time within which it is appropriate for the proceedings to be determined;
 - (f) whether it is desirable to administer or determine the claim in another region in the light of the volume of claims issued at, and the capacity, resources and workload of, the court at which it is issued;
 - (g) whether the claim raises issues sufficiently similar to those in another outstanding claim to make it desirable that it should be determined together with, or immediately following, that other claim;
 - (h) whether the claim raises devolution issues and for that reason whether it should more appropriately be determined in London or Cardiff; and

(i) the region in which the legal representative[s] of the parties are based”.

Submissions and decision

12. The Respondent opposes transfer and asks that the appeal remain in London.
13. The Respondent is the statutory regulator of nurses and midwives in the UK and nursing associates in England (“registrants”). It is staffed from offices in London and Edinburgh from where it operates hearings to determine fitness to practise issues and impose sanctions as appropriate. The Respondent is involved in around two dozen statutory appeals a year, and these are typically allocated to the Respondents in-house lawyers. This allows the Respondent to draw on advocates with relevant expertise while limiting legal costs.
14. If the matter is transferred to Leeds the Respondent is likely to need to pay the travel and accommodation expenses of counsel and attending solicitor or paralegal. This will be paid from the Respondent’s sole source of income, namely the annual fee required to be paid by registrants. It would thus incur undesirable additional demand on finite resources.
15. The Appellant adopts the Respondent’s reasoning and asks that the appeal remain in London. I note from the court file that the Appellant’s counsel, who appeared before the Fitness to Practice Committee on her behalf and who has drafted the skeleton argument on the appeal, is based in London.
16. It is necessary to determine the region with which the appeal is “most closely connected” by reference to the factors set out in paragraphs 2.1.
17. The “region in which the Appellant resides” is the North-Eastern region: she lives in Wakefield. The “region in which the Respondent or any relevant office or department of the Respondent is based” is the London region. The “subject matter of the claim” are the decisions made about the Appellant by her professional regulator, made at a hearing which apparently took place in London.
18. In light of these factors, the appeal has connections with both the North-Eastern region and the London region, and it is not possible to say that one connection is closer than the other.
19. As to the other factors in paragraph 2.5, those at (d), (g) and (h) do not apply. Factor (c) is neutral, because both the North-Eastern region and the London region have suitable alternative means of attending a hearing, such as by video-link, available, should the same be needed.
20. Factors (e) and (f) militate slightly in favour of transfer to the North-Eastern region: as Mr Lee has said, it is desirable to reduce the workload of the London court where possible, and it is possible that the appeal would be heard sooner in Leeds.

21. However, on balance, I am persuaded that the application of factors (a), (b) and (i) justifies the case remaining in London. The Appellant has had representation from London-based counsel since the underlying fitness to practice hearing. There is a benefit to her and the court in her retaining that continuity of representation for the appeal. For sensible reasons related to cost and expertise, the Respondent has instructed in-house counsel based in London. These factors mean that the “decision-making autonomy” of the parties as to which lawyers to instruct for a case before the Administrative Court described by Fordham J in *R (Airedale Chemical Company Ltd) v HMRC* [2022] EWHC 2937 (Admin) at [3] is more limited here.
22. As Fordham J said in *Thakor* at [2], instructing London counsel “ought not...normally ‘drive’ a London choice of venue becoming self-fulfilling”. However, here, there are particular factors as set out at [18] and [21] above which justified the case being commenced in London and it remaining there.

Conclusion

23. For all these reasons, I have concluded that this claim should remain in the London region.