



**In the High Court of Justice  
Queen's Bench Division  
Administrative Court**

CO Ref: CO/2470/2020

In the matter of an application for Judicial Review

The Queen on the application of

**Joe Rukin**

versus

**Secretary of State for Transport**



**Application for permission to apply for Judicial Review  
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the documents lodged by the Claimant and the Acknowledgement of service filed by the Defendant

Order by **HHJ David Cooke** (sitting as a judge of the High Court)

**Permission is refused.**

**Reasons:**

1. The claimant's challenge is said to be to the issue of notices to proceed with the HS2 project, on 15 April 2020. It was issued on the last possible day for such a challenge (14 July 2020) and since then, despite expressing an intention to do so, the claimant has filed no evidence in support. The grounds filed consist of a great many points on which the claimant disagrees with the HS2 project.
2. I assume in favour of the claimant that the intended challenge is to the approval by the defendant of notices to proceed, which were not in fact issued by him.
3. Insofar as the grounds allege contravention of the Fraud Act by officials presenting a business case that they knew to be incorrect, there is no evidence to support such an allegation. The claimant appears to proceed on the basis that since he disagrees with some or all of the content of that business case it must have been known to be inaccurate when presented, but that is not sufficient. It is not appropriate to issue proceedings, whether for judicial review or any other remedy, alleging fraud without a sufficient basis in evidence.
4. Insofar as the challenge is based on affordability, it is in substance disagreement with the merits of the judgments made by the defendant and Treasury. The court is not the appropriate place to ventilate such disagreements, which are of a political nature.
5. Insofar as the challenge is based on environmental issues, it appears to be an attempt to re-run the matters considered and rejected in the *Packham* challenge.
6. Insofar as the challenge appears to allege that any decision is or has become unlawful as a result of the coronavirus pandemic, the question whether existing decisions and projects should be revisited and reviewed in light of the pandemic is essentially either a political decision or one for the discretion of the decision taker. No legal obligation to make such a reassessment in this case or generally is identified.



7. It is not disputed that the claimant is entitled to Aarhus costs protection. The costs claimed are reasonable and within the costs limit.

- The costs of preparing the Acknowledgment of Service are to be paid by the claimant to the defendant, in the sum of £ 4234 unless within 14 days the claimant notifies the court and the defendant, in writing, that he objects to paying costs, or as to the amount to be paid, in either case giving reasons. If he does so, the defendant has a further 14 days to respond to both the court and the claimant, and the claimant the right to reply within a further 7 days, after which the claim for costs is to put before a judge to be determined on the papers. Where the claimant seeks a reconsideration, costs are to be dealt with on that occasion.

Signed \_\_\_\_\_

**The date of service of this order is calculated from the date in the section below**

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date): 20/10/20  
Solicitors:  
Ref No.

**Notes for the Claimant**

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If you request the decision to be reconsidered at a hearing in open court under CPR 54.12, you must complete and serve the enclosed FORM (86B) within 7 days of the service of this order. A fee is payable on submission of Form 86B. **For details of the current fee please refer to the Administrative Court fees table at <https://www.gov.uk/court-fees-what-they-are>**. Failure to pay the fee or submit a certified application for fee remission may result in the claim being struck out. The form to make an application for remission of a court fee can be obtained from the gov.uk website at <https://www.gov.uk/get-help-with-court-fees>