



**HUMAN RIGHTS LAWYERS' ASSOCIATION
HUMAN RIGHTS JUDICIAL REVIEW COMPETITION 2019**

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BRIEF TO COUNSEL

Instructing solicitors act on behalf of the Claimant, Ms Sarah Crosby, who lives at Flat 56 Carmill House, Farringdon EC1N7RJ. She is a tenant of Camden Council Local Authority Housing and has been living at this address since October 2014. Ms Crosby is a single mother to two boys: Ben (5) and Matthew (6 months)

At the same time as Ms Crosby moved into the property in 2014, a man named Glenn Murdock moved into the flat next door which also belongs to the local authority. Mr Murdoch suffers from schizophrenia and behaves in a way which is upsetting to some of his neighbours in that he can be heard shouting and swearing from his flat. Although Mr Murdoch's behaviour has been annoying to Ms Crosby for some time, she enjoys living in the Farringdon area as her mother and sister live nearby and help her to look after her children. Ms Crosby has previously been in an abusive relationship and is an ex-heroin addict and finds the support of her family and the local fundamentalist

Church important. Her only income is from the benefits she receives and a regular cash donation from the Church of £100/month.

Ms Crosby has become a born-again Christian during her recovery from addiction and attends the Christian Awakening Church, which is close to her flat, on seven evenings a week. The Church subscribes to a strict form of Christianity and believes that the discussion or acceptance of same sex relationships is a sin which will result in eternal damnation. Ms Crosby sends Ben to the Christian Awakening run Primary School which is a feeder school for the High School located nearby, which is also run by the same Church. Ms Crosby cannot drive, and she takes Ben to school by foot every school morning.

In February 2019, Mr Murdoch's behaviour got worse and Ms Crosby went to his door to ask him to keep the noise down as he was upsetting her children. In response to this, Mr Murdoch stated that he would burn her flat down with her and the boys inside when they least expected it. Ms Crosby reported this to the local authority and the police. Ms Crosby also asked that Mr Murdoch be moved to alternative accommodation as she is worried about the wellbeing of her children.

The local authority visited Ms Crosby and asked her about her fears regarding Mr Murdoch and why she wanted him to be rehoused away from her and her children. Following this visit, and out of the blue, Ms Crosby received a letter from the authority dated 5 February 2019 which stated the following:

Having attended your flat and heard your fears about the possible actions of Mr Murdoch against you and your children we have made the decision to move you to alternative accommodation. Unfortunately, given the lack of accommodation available within the Camden area we have decided that you will be moved to Camden Council funded accommodation in Bampton, Cumbria. This is the only current spare accommodation that we have access to, and it is not particularly suitable for Mr Murdoch as he would have to transfer GP's and mental health services and he may be unable to establish a strong relationship with a different GP given his psychological problems.

Ms Crosby made the 9-hour return trip to visit the village of Bampton and, although she found the town to be pretty and peaceful, she is worried that she will not be able to cope without the support of her family and her Church. She was also concerned to

find that the only church in Bampton is Church of England with a liberal outlook and an openly gay female Vicar. This Church runs the local primary school, the only school accessible by public transport, at which classes involve discussion about homosexual relationships and children are taught to accept people of different sexual orientations. This approach is pervasive across the School's curriculum and therefore there is no option for children to be removed from particular lessons to avoid this teaching.

Because of her faith Ms Crosby feels, that she would never send her sons to this school.

In response to our pre-action protocol letter, Camden Council has conceded that Ms Crosby has standing to bring the proposed challenge, and that no alternative remedies are unused.

Counsel is instructed to settle grounds alleging:

(1) Breach of Article 8 ECHR in the decision to move her and her children to Bampton, Cumbria; and

(2) Breach of Article 9 and Article 14 and related provisions as Counsel regards as appropriate by reason of Camden Council's decision to relocate Ms Crosby and her children to an area where there is no access to education in line with her religious beliefs.

Counsel is asked to request appropriate relief.

Rules

1. Applications must be made in teams of two.
2. A person is eligible only if he or she is studying for (whether on a full-time or part-time basis): a law undergraduate degree or postgraduate studies in law (GDL, BPTC or LPC). Those who have already been called to the Bar or admitted as a solicitors are ineligible.
3. Written Submissions must be made in the form of a Judicial Review Claim Form N461. A blank N461 can be found [here](#).
4. Applicants' statement of facts and grounds must not exceed 1000 words in total. N.B. as there may be insufficient space for your statement of grounds Claimants are permitted to attach grounds with their Claim Form.
5. All forms and any attached grounds must be submitted to the HRLA Administrator by email (administrator@hrla.org.uk) by 22:00 on 29 March 2019. N.B. if you are using Adobe Reader you will not be able to save an electronic copy of your Form N461. If do not have access to a program allowing you to save information into PDF forms, Foxit Reader can be downloaded [here](#) and used for this purpose.
6. Oral submissions for the permission stage (on 24 April 2019) are limited to 7.5 minutes per advocate (15 minutes in total). Further time may be provided at the discretion of the Court for answers to judicial questions.
7. Oral submissions for the substantive stage (on 17 May 2019) are limited to 10 minutes per team member (20 minutes in total)
8. Judicial interruptions may occur during as opposed to at the end of submissions. This is entirely at the discretion of the Court.
9. Each team is limited to referring to 6 authorities as well as to the White Book, Supplements and legislation.
10. If counsel is unable to attend the oral hearing his or her team will be disqualified from the competition. The team with the next highest score will take their place.
11. All written submissions and preparation for the oral hearings must be the work of the team only.

12. The teams for the final will be randomly assigned to either pursue the application or defend it.

13. The decision of the Judges and the Committee shall be final.

Timetable

29 March 2019: Deadline is 22:00 for written submissions, via a Judicial Review Claim Form (N461), for permission to apply for judicial review. N.B. Claimants are permitted to attach grounds with their Claim Form.

18 April 2019: Eight successful teams will be granted leave to apply for permission orally, notified by email.

24 April 2019: Oral hearings for permission for judicial review will take place in the evening at Monckton Chambers. The two teams progressing to the final will be informed on the night, and will also be informed of whether they will be acting as the Claimant or Defendant in the final.

3 May 2019: Claimant to submit their grounds and skeleton argument.

10 May 2019: Defendant to submit their grounds of defence and skeleton argument.

14 May 2019: Parties to submit their agreed bundle by email to administrator@hrla.org.uk. Parties citing case law should include the best report of the case in full. Parties citing legislation should include only the relevant section(s) of the legislation, not the entire Act/SI.

17 May 2019: The Final - substantive application for judicial review will be heard at the Royal Courts of Judges before a panel of three judges:

- Lord Justice Singh
- Phillippa Kaufmann QC
- Mr Justice Knowles

The winning team will be announced that evening.

Prizes to be confirmed.