In the High Court of Justice

King's Bench Division
Administrative Court

AC-2025-LON-002712



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In the matter of an application for judicial review

THE KING

on the application of

DEMA

Claimant

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

On an application for an order as to costs

Following consideration of the documents lodged by the Claimant and the Defendant

ORDER by ELEANOR GREY KC sitting as a Deputy High Court Judge

1. The Defendant is to pay to the Claimant, the sum of £4,000 in respect of the Claimant's costs of the application for judicial review, including the costs submissions relating to it.

Reasons

1. This claim was issued at the ACO in August 2025; C sought to challenge D's decision dated 29 July 2025 to maintain a negative reasonable decision under the NRM. The proceedings were settled by a Consent Order sealed on 14 October 2025.

2. C seeks his costs (£8,582) on the grounds that he has been successful. D says that the SSHD should be awarded costs in the sum of £1,952 on the basis that the proceedings were unnecessary, and a further PAP letter was required before issue, but never sent.

3. I accept the Defendant's submission regarding the failure to serve a further PAP. The original decision was dated 24 May 2025. After service of a PAP (12 June), D agreed to reconsider it, and that offer was accepted by C and further submissions were made, including a witness statement from C and medical evidence. A decision was issued on 29 July 2026 and the proceedings were issued without any further PAP letter to D. This was clearly a fresh decision (it was the subject of the challenge, not that of May 2025. It was detailed and lengthy, reviewing the evidence in full) and a PAP letter was therefore required (absent circumstances such as true urgency which did not apply).

4. C's key point is that he was successful and would thus normally be entitled to his costs.

5. In those circumstances, it seems to me that the appropriate order is to apply a discount to reflect the failure to send a PAP letter in respect of the decision under challenge. I am not prepared, given the ultimate success of C, to make no order as to costs, but the failure to follow the Protocol requires to be taken into account. Overall and on a summary basis, I consider that an award of £4,000 would be reasonable.

Signed: Eleanor Grey KC

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

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For completion by the Administrative Court Office

Sent / Handed to

either the Claimant, and the Defendant [and the Interested Party]
or the Claimant's, and the Defendant's [and the Interested Party's] solicitors

Date: 20/03/2026

Solicitors:
Ref No.