



COURT 65

Appeal No.

QBCOF 93/0933/D

Application No.

FC3 95/5679/D

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FRIDAY THE 26TH DAY OF JANUARY 1996

IN THE COURT OF APPEAL 0193 /96

ON APPEAL FROM THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

DIVISIONAL COURT

CO/392/92

BEFORE LORD JUSTICE HIRST  
LORD JUSTICE AULD  
and MR JUSTICE FORBES

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

B E T W E E N

THE QUEEN

- and -

UXBRIDGE JUSTICES

EX PARTE DAVID WEBB

UPON READING the notice dated the 3rd July 1993 filed on behalf of the Applicant by way of appeal against the order of the Right Honourable Lord Justice Glidewell and the Honourable Mr Justice Cresswell dated the 9th June 1993 whereby the Applicant's application for Judicial Review and an order of Mandamus of the refusal of the Uxbridge Justices on the 9th August 1991 to state a case for the opinion of the High Court in respect of six video tapes seized by the Customs and Excise at Heathrow Airport under section 42 of the Customs Consolidation Act 1896 was dismissed with costs

AND UPON READING the summons dated the 23rd March

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1995 filed on behalf of the Applicant by way of application seeking leave to amend his notice of appeal herein

AND UPON HEARING Mr M O'Madileoin of counsel on behalf of the Applicant and Mr M Bromley-Martin of counsel on behalf of the Respondent

**IT IS ORDERED**

- 1) that this appeal be dismissed and that the order of the Right Honourable Lord Justice Glidewell and the Honourable Mr Justice Cresswell dated the 9th June 1993 be affirmed
- 2) that the application be dismissed
- 3) that the Respondents costs of this appeal be paid by the Applicant such costs to be taxed if not agreed
- 4) that the costs of the Applicant be taxed in accordance with Regulation 107 of the Civil Legal Aid (General) Regulations 1989

AND UPON the application of the Respondent for an order that its costs of this appeal ("the Court of Appeal Costs.") be paid by the Legal Aid Board pursuant to section 18 of the Legal Aid Act 1988

**THE COURT HAS DETERMINED** (subject to paragraphs (B) and (C) hereof) :

- (i) that it is just and equitable that provision for the Court of Appeal Costs should be made out of public funds
- (ii) that the Applicant shall have no liability to satisfy any part of the Court of Appeal Costs

**AND IT IS ORDERED**

- (A) Subject to paragraphs (B) and (C) hereof that the Court of Appeal Costs be paid by the Legal Aid Board
- (B) That the operation of paragraph (A) of this order shall be suspended

for a period of 10 weeks from the date of the seal hereon and, if the relevant Area Director gives notice of objection in accordance with paragraph (C) hereof, the suspension shall continue until the objections have been heard and determined

- (C) That a copy of this order shall be sent by the Civil Appeals Office to the relevant Area Director and, unless within the said period of 10 weeks the Area Director gives notice in writing to the Registrar of Civil Appeals that the Legal Aid Board wishes to object to the making of a section 18 order and states the grounds of objection, paragraph (A) hereof shall take effect without further order

[This matter occupied the time of the court from 10.30 to 12.00]

*By the Court*