



HC
18 NOV 2008
RECEIVED

CO/2505/2007

DATED the 14th day of November 2008

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

BEFORE THE HONOURABLE MR JUSTICE FORBES

IN THE MATTER of a claim for Judicial Review

THE QUEEN ON THE APPLICATION OF 'K'

VERSUS

SECRETARY OF STATE FOR HOME DEPARTMENT

UPON HEARING Mr M. Henderson of Counsel on behalf of the Claimant and Miss S. Broadfoot of Counsel on behalf of the Defendant upon the claim dated the 26th day of March 2007 for Judicial Review of the decision of the Defendant dated the 6th day of January 2006 until 17th February 2006

AND UPON READING the written evidence submitted on behalf of the Claimant and the Defendant

UPON the Defendant accepting that the detention of the Claimant from 6th January 2006 to 17th February 2006 was unlawful and without prejudice to either party's arguments as to the question of damages

BY CONSENT

It is hereby ordered:-

1. It is declared that the Claimant was unlawfully detained from 6th January 2006 and 17th February 2006
2. Damages to be assessed if not agreed
3. The matter to be transferred to the Queen's Bench Division for assessment of damages
4. Upon transfer, the matter be listed for a case management hearing before the assigned Master at the earliest mutually convenient date
5. The Defendant to pay the Claimant's reasonable costs, to be assessed on the standard basis if not agreed
6. The Claimant's costs be the subject of a detailed assessment in accordance with Regulation 107 of the Civil Legal Aid (General) Regulations 1989 pursuant to the Community Legal Services Costs Regulations 2000
7. That pursuant to section 39 of the Children and Young Persons Act 1933 no report of the proceedings shall reveal the name, address or school or any other particulars which may lead to the

identification of the Claimant.

*[This matter occupied the time of the Court from 10.33am to 10.49am
and 11.45am to 1.05pm and 2.00pm to 2.00pm and 4.10pm to
4.14pm]*

By the Court

STATEMENT OF REASONS:

On 30th December 2005, the Defendant received an application notice to AIT seeking reconsideration and a letter in the Claimant's language. In these documents Claimant stated she was a child.

In light of the particular circumstances of this case including the subsequent social services age assessment whereby the Claimant was assessed as being a child, the Defendant's failure to notify the Children's Panel of the Claim rendered the Claimant's detention unlawful from 6th January 2006, that being the date by which it can reasonably be expected that the Claimant would have been released had the Children's panel been notified, to 17th February 2006, that being the date she was released.