

Permission to Appeal results - October 2012

Case name	Justices	PTA	Reasons given
Purves (AP) (Appellant) v Her Majesty's Advocate (Respondent) (Scotland) UKSC 2012/0156	Lord Neuberger Lord Hope Lord Reed	Refused 9 Oct 2012	THE COURT ORDERED that permission to appeal BE REFUSED because the application does not raise an arguable point of law, as the issue which the Appellant seeks to raise was not the subject of a determination by the Appeal Court and this Court has no jurisdiction to entertain the appeal.
Bain (AP) (Appellant) v Her Majesty's Advocate (Respondent) (Scotland) UKSC 2012/0084	Lord Neuberger Lord Hope Lord Reed	Refused 9 Oct 2012	THE COURT ORDERED that permission to appeal BE REFUSED because the application does not raise an arguable point of law, as a complaint about the making of an Act of Adjournal by the Court does not raise a devolution issue under section 54(2) of the Scotland Act 1998.
Jude No 2 (Appellant) v Her Majesty's Advocate (Respondent) (Scotland) UKSC 2012/0174	Lord Neuberger Lord Hope Lord Reed	Refused 9 Oct 2012	THE COURT ORDERED that permission to appeal BE REFUSED because the application does not raise an arguable point of law which ought to be considered by the Supreme Court. Additional reasons were given in relation to specific grounds.
VTB Capital plc (Appellant) v Nutritek International Corp and others (Respondents) UKSC 2012/0167	Lord Neuberger Lord Mance Lord Clarke	Refused 11 Oct 2012	THE COURT ORDERED that permission to cross-appeal be REFUSED on the grounds that (i) the only issue at this stage is jurisdictional (whether there is a real as opposed to fanciful prospect of success on the merits sufficient to justify leave to serve out of the jurisdiction) and (ii) the correct application of the well-established principles which have been identified relating to the substantive merits of this issue is not a matter of general interest or importance appropriate for further consideration at this stage.
Lauchlan (AP) (Appellant) v. Her Majesty's Advocate (Respondent) (Scotland) UKSC 2012/0152	Lord Neuberger Lord Hope Lord Reed	Granted 15 Oct 2012	
O'Neill (Appellant) v Her Majesty's Advocate (Respondent) (Scotland) UKSC 2010/0019	Lord Neuberger Lord Hope Lord Reed	Refused 15 Oct 2012	THE COURT ORDERED that the additional permission sought BE REFUSED on the ground that the application does not raise an arguable point of law on any of the points listed in the application. In particular - (1) the allegation that the statutory requirements for authorisation of the surveillance were departed from was not supported by the evidence at the trial, this Court does not have jurisdiction to conduct its own enquiry into that matter and no attempt was made at the trial to use any material inadvertently caught by the process (2) the question whether a direction by the trial judge was in accordance

			with Article 6 does not raise a devolution issue.
R (on the application of New London College Limited) (Appellant) v Secretary of State for the Home Department (Respondent) UKSC 2012/0060	Lord Hope Lord Clarke Lord Wilson	Granted in part only 17 Oct 2012	THE COURT ORDERED that permission to appeal be GRANTED in part.
Binani Cement Limited (Appellant) v Great Eastern Shipping Company Limited (Respondent) UKSC 2012/0116	Lord Hope Lord Clarke Lord Wilson	Refused 23 Oct 2012	THE COURT ORDERED that permission to appeal BE REFUSED because the application does not raise an arguable point of law of general public importance which ought to be considered by the Supreme Court, as the decision in this case depends on its own facts.
LW (China) (Appellant) v. Secretary of State for the Home Department (Respondent) UKSC 2012/0133	Lord Hope Lord Clarke Lord Wilson	Refused 23 Oct 2012	THE COURT ORDERED that permission to appeal BE REFUSED because the application does not raise an arguable point of law which ought to be considered by the Supreme Court at this time, bearing in mind that the case has already been the subject of judicial decision and reviewed on appeal.
Transpetrol Maritime Services Limited (Respondent) v SJB (Marine Energy) BV "Rowan" (Appellant) UKSC 2012/0079	Lord Hope Lord Clarke Lord Wilson	Refused 23 Oct 2012	THE COURT ORDERED that permission to appeal BE REFUSED because the application does not raise an arguable point of law of general public importance which ought to be considered by the Supreme Court, it being a one off adaption to the standard terms.
Saad Trading, Contracting and Financial Services Company (Appellant) v Societe Generale S.A (Respondent) UKSC 2012/0159	Lord Hope Lord Clarke Lord Wilson	Refused 23 Oct 2012	THE COURT ORDERED that permission to appeal BE REFUSED because the applications do not raise an arguable point of law of general public importance which ought to be considered by the Supreme Court. On the facts properly before it the power of the Court under the CPR was appropriately exercised
Al-Sanea (Appellant) v Societe Generale SA (Respondent) UKSC 2012/0171			
Dunhill (a protected party by her litigation friend Tasker) (Respondent) v Burgin (Appellant) UKSC 2012/0136	Lord Hope Lord Clarke Lord Wilson	Granted 23 Oct 2012	
A (Children) UKSC 2012/0228	Lady Hale Lord Kerr Lord Wilson	Refused 24 Oct 2012	THE COURT ORDERED that permission to appeal and a stay BE REFUSED because the application does not raise an arguable point of law of general public importance. The case does not raise an arguable point of law, still less a point of law of general public importance. It was an application of settled law to the facts of this very sad case.
Stott (Appellant) v Thomas Cook Tour Operators Limited (Respondent) UKSC 2012/0109	Lady Hale Lord Mance Lord Carnwath	Granted 25 Oct 2012	

D (a Child) UKSC 2012/0148	Lady Hale Lord Mance Lord Carnwath	Refused 29 Oct 2012	THE COURT ORDERED that permission to appeal BE REFUSED because the application does not raise an arguable point of law of general public importance, bearing in mind that the case has already been the subject of judicial decision and reviewed on appeal
Starbucks (HK) Limited (Respondent) v. British Sky Broadcasting Group plc and others (Appellants) UKSC 2012/0221	Lord Neuberger Lord Mance Lord Sumption	Refused 30 Oct 2012	THE COURT ORDERED that permission to appeal BE REFUSED in relation to the point of European Union law raised by or in response to the application, permission to appeal BE REFUSED, because it is not necessary to request the Court of Justice to give any ruling, because of the following reasons; in relation to the point of European law which the applicants submit arises, (i) “special grounds” must relate to the factual circumstances specific to the case, but it is for the domestic court to assess whether such grounds exist on the facts, (ii) the Court of Appeal has undertaken this assessment, (iii) whatever the exact parameters of “special grounds”, the court below were clearly justified in concluding that they exist on the facts and furthermore, (iv) a stay of the order for expedited trial of the English proceedings, pending a reference to the Court of Justice for a ruling on the interpretation of “special grounds”, would lead to the trademark claim being unresolved probably for years, while a reference to the Court of Justice without such a stay would be moot, since the English proceedings would meanwhile have resolved all issues.
R v Mackle (Appellant) (Northern Ireland) UKSC 2012/0041 R v Mackle No 2 (Appellant) (Northern Ireland) UKSC 2012/0043 R v Mackle No 3 (Appellant) (Northern Ireland) UKSC 2012/0044 R v McLaughlin (Appellant) (Northern Ireland) UKSC 2012/0045	Lord Walker Lord Kerr Lord Reed	Granted 30 Oct 2012	
Mattu (Appellant) v The University Hospitals of Coventry and Warwickshire NHS Trust (Respondent) UKSC 2012/0153	Lady Hale Lord Mance Lord Carnwath	Refused 30 Oct 2012	THE COURT ORDERED that permission to appeal BE REFUSED because the application does not raise an arguable point of law of general public importance. The Article 6 point is not arguable and the clarification point is not a point of law of general public importance.
Secretary of State for Work and Pensions (Appellant) v. Burnip and others (Respondents) UKSC 2012/0166	Lord Walker Lord Kerr Lord Reed	Granted 30 Oct 2012	

In the matter of X (FC) UKSC 2012/0193	Lady Hale Lord Kerr Lord Wilson	Granted 30 Oct 2012	
R v O'Brien (Appellant) UKSC 2012/0143	Lady Hale Lord Mance Lord Carnwath	Granted 30 Oct 2012	
R (On the application of Eastenders Cash and Carry plc and others (Respondents) v. The Commissioners for Her Majesty's Revenue and Customs (Appellant) UKSC 2012/0163 – main appeal R (on the application of Eastenders Cash and Carry plc and others) (Appellants) v. Commissioners for Her Majesty's Revenue and Customs (Respondent) UKSC 2012/0170 – cross appeal	Lord Walker Lord Kerr Lord Reed	Granted - main appeal Refused - cross-appeal 31 Oct 2012	THE COURT ORDERED that 1) in relation to the main appeal, permission to appeal be GRANTED THE COURT ORDERED that 2) permission to appeal on the cross-appeal be REFUSED because the application does not raise an arguable point of law of general public importance.
Alam (Appellant) v Secretary of State for the Home Department (Respondent) UKSC 2012/0208 Anwar (Appellant) v Secretary of State for the Home Department (Respondent) UKSC 2012/0207	Lord Walker Lord Kerr Lord Reed	Granted 31 Oct 2012	
Patel and others (Appellants) v Secretary of State for the Home Department (Respondent) UKSC 2012/0177	Lord Walker Lord Kerr Lord Reed	Granted 31 Oct 2012	
R v Quinn (AP) (Appellant) (Northern Ireland) UKSC 2012/0108	Lord Walker Lord Kerr Lord Reed	Refused 31 Oct 2012	THE COURT ORDERED that permission be REFUSED because the application does not raise an arguable point of law. The Court of Appeal applied a well-settled principle (silence after admission through an agent) after considering all the circumstances and no further review is called for.