



**In the High Court of Justice  
Queen's Bench Division  
Administrative Court**

CO Ref:  
**CO/1204/2018**

In the matter of an application for Judicial Review

The Queen on the application of

**MICHAEL LYTTLE**

versus

**(1) HER MAJESTY'S ATTORNEY GENERAL  
(2) HER MAJESTY'S SENIOR CORONER FOR PRESTON AND WEST  
LANCASHIRE**

**Defendants**

**UNIVERSITY HOSPITALS MORECOMBE BAY  
DR NICHOLAS SAYER**

**Interested parties**



**Application for permission to apply for Judicial Review  
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the documents lodged by the claimant and the acknowledgement of service documents and summary grounds filed by the defendants

**Order by Mr Justice Lane**

**Permission is hereby refused; the application is considered to be totally without merit**

**Reasons:**

This application is hopeless. It challenges the first defendant's refusal of his *fiat* under section 13 of the Coroners Act 1988. The first defendant's decision is, however, not susceptible to judicial review. The first defendant is answerable in this regard to Parliament, not to the Administrative Court.

Even if that were not the position, the scope for judicial review must be strictly by reference to ordinary public law principles of irrationality and other illegality.

The substantive allegations made by the claimant about the conduct of the inquest into his mother's death and the actions of medical professionals who treated her are comprehensively addressed at paragraphs 22 to 27 of the summary grounds of defence filed by the first defendant and dated 16 April 2018. There is no trace of any irrationality or other illegality.

By the same token, those paragraphs make it unarguably clear that there is no merit in the challenge made against the second defendant.

The claimant has been given a proper opportunity to appreciate the responses made by relevant persons, prior to the first defendant taking the decision to refuse the *fiat*. The claimant nevertheless decided to launch these entirely meritless challenges. The fact that he continues to take issue with the decision-making

concerning the inquest is not a reason to keep these proceedings in being. On the contrary, it is unquestionably necessary to bring them to an end.

For the above reasons the application is considered to be totally without merit.

**Costs order**

(1) Subject to sub-paragraph (2) below, the claimant is hereby ordered to pay HM Attorney General the reasonable costs of preparing and filing the acknowledgements of service and summary grounds of defence in respect of the first and second defendants, to be assessed if not agreed.

(2) If the claimant objects to sub-paragraph (1) above, he must explain why in writing to the Court, copying the defendants, not later than 10 days from the date of this decision; following which the Court will decide whether to confirm the provisional costs order, with or without amendment.

**BY VIRTUE OF CPR 54.12(7) THE CLAIMANT MAY NOT REQUEST THAT THE DECISION TO REFUSE PERMISSION BE RECONSIDERED AT A HEARING.**

Signed



Mr Justice Lane

9 May 2018

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Sent / ~~Handed~~ to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date):

Solicitors:

25 MAY 2018

Ref No.