

Application for Injunction (General Form)

Name of court The Administrative Court	Claim No.
Claimant's Name and Ref. Mr John Allman (JohnAllman.UK)	
Defendant's Name and Ref. The Prime Minister of the United Kingdom (PM)	
Fee Account no.	

Notes on completion

Tick which boxes apply and specify the legislation where appropriate

- (1) Enter the full name of the person making the application
- (2) Enter the full name of the person the injunction is to be directed to
- (3) Set out any proposed orders requiring acts to be done. Delete if no mandatory order is sought.
- (4) Set out here the proposed terms of the injunction order (if the defendant is a limited company delete the wording in brackets and insert 'whether by its servants, agents, officers or otherwise').
- (5) Set out here any further terms asked for including provision for costs
- (6) Enter the names of all persons who have sworn affidavits or signed statements in support of this application
- (7) Enter the names and addresses of all persons upon whom it is intended to serve this application
- (8) Enter the full name and address for service and delete as required

- By application in pending proceedings
- Under Statutory provision _____
- This application is made under Part 8 of the Civil Procedure Rules



This application raises issues under the Human Rights Act 1998 Yes No

The Claimant⁽¹⁾ Mr John Allman

applies to the court for an injunction order in the following terms:

~~The Defendant~~⁽²⁾
~~muse~~⁽³⁾

The Defendant The Prime Minister of the United Kingdom

be forbidden (whether by himself or by instructing or encouraging or permitting any other person)⁽⁴⁾

unless authorised by an Act of Parliament, and until further order, to revoke the notice given of the United Kingdom's intention to leave the European Union (the Article 50 notice)

And that⁽⁵⁾

a protective costs order be made in favour of the applicant

The grounds of this application are set out in the written evidence

of⁽⁶⁾ Mr John Allman

sworn (signed) on 8 April 2019

This written evidence is served with this application.

This application is to be served upon⁽⁷⁾

nobody, in view of the urgency, although an unsealed draft of this form has been sent to PM

This application is filed by⁽⁸⁾

~~(the Solicitors for)~~ the Claimant ~~(Applicant/Petitioner)~~

whose address for service is

c/o La XEROX, Sc OK PRINT SRL, Bd. Alexander Obregia, Nr. 25, Sector 4, Bucuresti, Romania

Signed

Dated 8 April 2019

This section to be completed by the court

* To*
Name and
address of
the person
application
is directed
to

This application will be heard by the (District) Judge

at _____ **on** _____ **the** _____ **day of** _____ **20** **at** _____ **o'clock**

If you do not attend at the time shown the court may make an injunction order in your absence

If you do not fully understand this application you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau

The court office at

is open between 10am and 4pm Mon - Fri. When corresponding with the court, please address all forms and letters to the Court Manager and quote the claim number.

IN THE ADMINISTRATIVE COURT

BETWEEN

Mr John Allman

Claimant

-AND-

The Prime Minister of the United Kingdom of Great Britain and Northern Ireland

(“the PM”) Defendant

Witness statement of John Allman

(in support of his application of 8th April 2019 for an injunction against the PM)

I, John William Allman, of the address-for-service on today’s N16A application, do say:

1. I am a British subject and ordinarily a resident of the UK.
2. I publish a blog, JohnAllman.UK.
3. I voted in the 2016 referendum to decide whether the UK would leave the EU, or remain in it.
4. I will argue, and give evidence, if the court considers this necessary, preferably at a later contested hearing, that whether the UK leaves the EU or remains in the EU, affects my Convention rights.
5. Pursuant to the European Union (Withdrawal) Act 2018, the Prime Minister has already given notice (“Article 50 notice”) of the UK’s intention to leave the EU on exit day, as defined in that Act. At present, the formula for calculating exit day in section 20 of the Act points to 12th April 2019.
6. In order to give Article 50 notice, it was held to be a constitutional requirement that this should be authorised by an Act of Parliament, in *R (Miller and ors) v Secretary of State for Exiting the European Union* [2017] UKSC 5.

7. As a matter of EU law, the UK is able to revoke the Article 50 notice, *but only if the UK's constitutional requirements for doing so are met.*
8. I believe that when the courts are called upon to rule on this question, they will follow the *Miller* doctrine, ruling that it is also a constitutional requirement that any revocation of the Article 50 notice should also be authorised by an Act of Parliament.
9. There is, as yet, no Act of Parliament that would authorise the revocation of the Article 50 notice.
10. I have been following news of Brexit on BBC radio and internet news sources, from Romania, where a loved one of mine is in hospital. I have thus reached the conclusion that the PM intends to revoke the Article 50 notice *without an Act of Parliament authorising this*, before 12th April 2019.
11. Initially, I seek, if necessary at a hearing at which the PM has not been heard, an interim injunction until further order.
12. The interim injunction I seek would restrain the PM from revoking, or purporting to revoke, the Article 50 notice already given, unless an Act of Parliament had first been enacted to authorise this revocation.
13. The balance of convenience is heavily tilted towards the granting of the interim injunction sought. The PM has access to the A-G, the EU, and the civil service and can usually control the business schedule of both houses of Parliament. The PM can easily get the necessary Act of Parliament passed if she has the support of Parliament for revoking Article 50 notice. She is capable of ingenuity, in order to effect an interim solution to any temporary problem my interim injunction would cause her. The interim injunction I seek can, at worst, delay the eventual sabotage of Brexit which the PM is threatening if she does not get her own way. All it does, is to force the PM to go through the proper legal channels if (as reported by the BBC and others), sabotaging Brexit is her intention.
14. I expect to have to seek, eventually, at a hearing at which the PM is represented, a declaration that it would be unlawful for the Prime Minister or any of her ministers, to revoke the Article 50 notice already given without the authority of an Act of Parliament. If, by then, the Prime Minister had already revoked the Article 50 notice unlawfully, any such future victory would surely be Pyrrhic, because that which ought not to be allowed,

would, by then, have become a *fait accompli* which it would be difficult for the court to unpick.

15. In the foregoing circumstances, it is it is just and convenient to grant, as a matter of urgency, the interim injunction sought against the PM, under s. 37 of the Senior Courts Act 1981, in order to protect my lawful and legitimate interests.

Statement of Truth

The facts stated in this witness statement are true to the best of my knowledge and belief.

Signed:

A handwritten signature in black ink, appearing to read 'J Allman', with a stylized, cursive script.

J Allman

Date: 8th April 2019