**Appeal No. C4/2018/2086**

IN THE COURT OF APPEAL (CIVIL DIVISION)

ON APPEAL FROM THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT

Mr Justice Jeremy Baker

[2018] EWHC 1530 (Admin)

**BEFORE:**

**LADY JUSTICE KING**

**LORD JUSTICE IRWIN**

**LORD JUSTICE HENDERSON**

**BETWEEN:**

**THE QUEEN**

**(on the application of ELAN-CANE)**

***Appellant***

**-and-**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

***Respondent***

**-and-**

**HUMAN RIGHTS WATCH**

***Intervener***

**ORDER**

UPON hearing Kate Gallafent QC, Tom Mountford and Gayatri Sarathy for the Appellant, Sir James Eadie QC and Sarah Hannett for the Respondent, and Monica Carss-Frisk QC and Rachel Jones for the Intervener

AND UPON reading the papers filed herein

IT IS ORDERED:

1. The Appellant’s appeal is dismissed.
2. Both of the Respondent’s cross appeals are dismissed.
3. The Appellant shall pay 50% of the Respondent’s capped costs of £1500, namely £750 including VAT.
4. The obligation to pay the costs ordered below and any costs ordered in paragraph 3 above is suspended pending the final determination of any appeal to the Supreme Court.
5. Permission for the Appellant to appeal to the Supreme Court is refused.

Date: 10th March 2020