

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT**

**BEFORE: LORD JUSTICE STUART-SMITH
MR JUSTICE CHAMBERLAIN**

B E T W E E N :

**THE KING
on the application of
MATTHEW CAMPBELL**

- and -

**HIS MAJESTY'S ATTORNEY GENERAL
FOR ENGLAND AND WALES**

Claimant

Defendant

ORDER

UPON the Court on 1 July 2025 having handed down judgment dismissing the Claimant's application for permission to apply for judicial review and deciding as a preliminary issue that the claim is not justiciable ([2025] EWHC 1653 (Admin): "the Judgment");

AND UPON the Court having considered the Claimant's application dated and e-filed on 15 July 2025 for a "leapfrog" certificate under section 12(1) of the Administration of Justice Act 1969 ("the 1969 Act");

AND UPON the Court having considered the Defendant's submissions dated 21 July 2025 and e-filed on 22 July 2025 opposing the grant of a "leapfrog" certificate;

IT IS CERTIFIED, pursuant to s. 12(1) of the 1969 Act, as follows:

1. The conditions in s. 12(3A)(c) of the 1969 Act are met.
2. A sufficient case for an appeal to the Supreme Court under Part II of the 1969 Act has been made out to justify an application for leave to bring such an appeal.

REASONS

The conclusion that decisions of the Attorney General to refuse consent under s. 13(1)(b) of the Coroners Act 1988 are non-justiciable in principle satisfies the condition in s. 12(3)(b) of the 1969 Act, because the point is covered by authority which binds the Court of Appeal and High Court: see [54] of the Judgment.



Although the alternative conclusion in [57] of the Judgment would be sufficient to justify the refusal of permission to apply for judicial review, there is no decision above High Court level which applies the reasoning in *R v Director of Public Prosecutions ex p. Kebilene* [2000] 2 AC 326 and *R (Corner House Research) v Director of the Serious Fraud Office* [2008] UKHL 60, [2009] 1 AC 756 to decisions of the kind under challenge here. If this is a proper case for the grant of leave to appeal to the Supreme Court (an issue which the statute does not require us to address), the benefits of earlier consideration by the Supreme Court outweigh the benefits of consideration by the Court of Appeal. The conditions in s. 12(3A)(c) are therefore met.

The points raised are of sufficient general importance to justify an application for leave to bring an appeal to the Supreme Court.

8 August 2025

BY THE COURT